Document:-
A/CN.4/SR.468

Summary record of the 468th meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1958 , **vol. I**

468th MEETING

Friday, 20 June 1958, at 9.45 a.m.

Chairman: Mr. Radhabinod PAL.

Diplomatic intercourse and immunities (A/3623, A/CN.4/114 and Add.1-6, A/CN.4/116 and Add.1-2, A/CN.4/L.72, A/CN.4/L.75) *(continued)*

[Agenda item 3]

DRAFT ARTICLES CONCERNING DIPLOMATIC INTERCOURSE AND IMMUNITIES (A/3623, PARA. 16; A/CN.4/116/ADD.1-2) *(continued)*

FINAL FORM OF THE DRAFT *(continued)*

1. Mr. MATINE-DAFTARY said that the Commission's draft on diplomatic intercourse and immunities represented a significant accomplishment in international law; it would not only replace the Vienna Regulation and the Havana Convention but would incorporate all the developments which had occurred in the international law relating to diplomatic intercourse in the past 150 years. Because of the mportance of the draft articles, it seemed to him that they should be recommended to the General Assembly in the form of a draft convention as contemplated in article 23, paragraph 1 (*c*) of the Commission's statute. He did not, however, think that it was necessary to recommend the convocation of a special conference, for the draft convention, after approval by the General Assembly, could be opened forthwith to signature by Member States.

2. If it was decided to recommend the draft articles as a convention, the final clauses (concerning ratification, revision, entry into force, etc.) would have to be settled. The final clauses should, he thought, be drafted by the Commission rather than by the Sixth Committee of the General Assembly, and he proposed that the Drafting Committee prepare them for approval by the Commission.

3. The CHAIRMAN said that if the Commission decided to recommend the draft articles as a convention, the Drafting Committee would as a matter of course prepare the final clauses for its approval.

4. Mr. LIANG, Secretary to the Commission, was doubtful whether the Commission should concern itself with the final clauses. In the case of the United Nations Conference on the Law of the Sea, the method adopted had been that the Secretariat submitted memoranda containing alternative clauses on such subjects as ratification, reservations, etc., and the Conference had chosen those preferred by the majority. The drafting of final clauses was by no means a simple matter and, as the States participating in a conference might wish to be offered a choice, it seemed reasonable to follow the method used in the case of the draft articles on the law of the sea.

5. The CHAIRMAN put to the vote the proposal that the draft articles would form the subject of a recommendation to the General Assembly in conformity with article 23, paragraph 1 (*c*), of the Commission's statute.

The propored was adopted.

Planning of future work of the Commission

[Agenda item 8]

6. The CHAIRMAN said that he had discussed the organization of the work on the three remaining items of the agenda with the Special Rapporteurs concerned. They had agreed that the Commission should take up forthwith the subject of consular intercourse and immunities and devote the remainder of the session to it. At the eleventh session the first five weeks should be sufficient for completing the debate on consular intercourse and immunities, and the rest of that session would then be divided up between the law of treaties and international responsibility, one week being left for consideration of the report.

7. The law of treaties was so vast a subject that, if dealt with continuously, it would probably consume two full sessions. Accordingly, he proposed that the Special Rapporteur's drafts (A/CN.4/101, A/CN.4/107, A/CN.4/115) should be dealt with by chapters, and that each chapter, after discussion, would be referred to Governments for their observations.

8. He suggested that the Commission should agree to proceed in the manner he had outlined, on the understanding of course that the Commission would be free, in the light of circumstances, to modify the schedule he had described.

Is was so decided.

Co-operation with other bodies

9. The CHAIRMAN drew attention to a proposal submitted jointly by Mr. Alfaro, Mr. Amado and Mr. García Amador (A/CN.4/L.77). The object of the proposal was to request the Secretary-General to authorize the Secretary of the Commission to attend the Fourth Meeting of the Inter-American Council of Jurists as an observer.

10. Mr. LIANG, Secretary of the Commission, referring to the agenda item as a whole, said that on 8 May 1958 a communication had been received from the Asian African Legal Consultative Committee inviting the Commission to send a representative to the Committee's second session at Colombo, Ceylon, from 14 to 26 July 1958. That committee had been established in 1957, and had on its agenda items such as diplomatic immunities and the régime of the high seas which were also of interest to the Commission. It was impossible, because of the lateness of the invitation and the consequent difficulty in making arrangements, to send a representative of the Commission to the 1958 session, but he thought that the Commission should take note of the invitation, express its interest in the work of the

Committee and ask for reports of its activities, particularly those which were related to the Commission's work.

11. In reply to Mr. Sandström, he said that the Commission's letter would also say that the date of the session of the Asian-African Legal Consultative Committee was so close that it was not possible to consider fully the question of sending a representative to its session.

12. Mr. ALFARO, referring to the joint proposal, said that article 26, paragraph 4, of the Commission's draft mentioned expressly consultations with the Pan American Union.

13. The codification of international law had a long history in Latin America; at the Conference of American States held at Havana in 1928 no fewer than ten conventions had been adopted concerning such subjects as the law of treaties, neutrality, nationality, diplomatic and consular immunities, and private international law. The work of codification had since been carried on in Latin America, and he was convinced that consultation with inter-American bodies engaged on such work would tend to further the Commission's own endeavours.

14. The CHAIRMAN put to the vote the joint proposal (A/CN.4/L.77).

The proposal was adopted unanimously.

15. The CHAIRMAN proposed that the Commission invite its Secretary to send a letter to the Asian-African Legal Consultative Committee in the terms suggested by him.

It was so decided.

16. Mr. ZOUREK expressed the hope that the two regional organizations in question would continue to communicate to the Commission the results of any work which might be of interest to it.

17. Mr. LIANG, Secretary to the Commission, quoting from paragraph 24 of the Commission's report on its previous session (A/3623), pointed out that the Commission had requested the Asian-African Legal Consultative Committee to send any observations it might wish to make on questions under study by the Commission and had welcomed any information on the development of the Committee's programme.

Consular intercourse and immunities (A/CN.4/108)

[Agenda item 6]

General debate

18. Mr. ZOUREK, Special Rapporteur, introducing his report on consular intercourse and immunities (A/CN.4/108), said that the draft fell into two parts: the first dealt with the establishment, conduct and termination of consular relations, and the second with the privileges and immunities of the various classes of consular representatives. He did not think that there was any need for a lengthy discussion of the nature of consular representation. The vehement debate on the legal status of consular representatives, still being waged during the nineteenth century, had long been settled in theory and practice and every one now recognized, on the one hand, the public character of the consul officer as a State representative, and, on the other, the fact that he was not entitled to diplomatic privileges and immunities.

19. The various classes of consular representatives had never been determined in an international instrument, as the classes of diplomatic agents had been in the Vienna Regulation amended by the Protocol of Aix-la-Chapelle. An analysis of the practice of nations showed however that consular representatives could be grouped into four classes: consuls general, consuls, vice-consuls and consular agents. The question of consular privileges and immunities was complicated by the fact that there were several categories of consular representatives: career consuls, who were full-time government officials paid by the State; honorary consuls, mostly chosen among merchants or business men of the State in whose territory they were to exercise their functions and in most cases not having the nationality of the State appointing them; and finally, consular representatives who, although officers of the sending State, were authorized by their national laws to engage in some other gainful activity as well. Inasmuch as consuls in the last category were generally treated on the same footing as honorary consuls in the relevant national regulations, he had in his draft accorded them the same legal status as honorary consuls.

20. The situation was somewhat complicated so far as honorary consuls were concerned. Some States neither appointed nor accepted them, others accepted them though they did not themselves appoint them, while yet others both accepted and appointed them. As he had stated in his report (A/CN.4/108, para. 75), the Committee of Experts for the Progressive Codification of International Law, set up under the auspices of the League of Nations, had declared itself opposed to the institution of honorary consul. Nevertheless, despite the disadvantages described by the Committee of Experts, a large number of States still continued to make use of honorary consuls, and the institution was defended by various authors. Considering it impossible to ignore such a state of affairs, the Special Rapporteur had therefore felt bound to codify the legal status of honorary consuls. He had, however, concluded that if the different practice of States was to be taken into consideration the only way of ensuring agreement on a draft convention on consular intercourse and immunities was to deal with honorary consuls in a separate chapter and to include a provision in the final clauses (article 39) enabling those States which did not recognize the institution to exclude that chapter from the scope of their ratification or accession.

21. It was interesting to note that consular intercourse and immunities were not, as in the case of diplomatic intercourse, mainly based on customary rules. Consular activities and consular privileges and immunities were

chiefly governed in the international field by a very large number of bilateral conventions and a few multilateral conventions, the most outstanding multilateral instrument being the Convention regarding Consular Agents, signed at Havana on 20 February 1928.[1] Among the bilateral conventions, the consular conventions constituted an invaluable source of information on the law and practice of State on the subject. A great deal of interesting material was, however, to be obtained from more general treaties, such as treaties on commerce and navigation, treaties of friendship, business agreements, conventions on foreign workers, and extradition treaties. Municipal law was another rich source of material. The collection of regulations in force in the various countries governing the status and activities of consular representatives, recently published by the Secretariat[2] and containing an index which would be very useful, would undoubtedly be of great assistance both to the Commission and, at a later stage, to Governments when they commented on the draft.

22. Although the multilateral and bilateral conventions and the national regulations differed a great deal in their treatment of the subject, they did contain both a certain number of common principles and also a series of principles from which, though they were not identical from one text to another, a minimum capable of codification in a draft international convention could be abstracted. For a draft convention was, he considered, the only form in which the draft could be usefully prepared. That was a point which should be settled from the outset, since the form of the text would differ greatly according to whether it was simply to constitute a statement of principles already established in general law or whether rules accepted in international conventions were to be added in the form of an international convention. In the latter case, the draft would have to include a number of principles which, without being universally accepted, were common to a number of bilateral treaties and would promote the development of international law.

23. One general question on which he would welcome an early decision was that of the generic term to be used to cover all types of consuls. There was a great diversity of terminology and, though the point was not of major importance, he thought that some attempt should be made to standardize it in the interests of clarity and in order to remove a possible cause of disputes. The term " consul " was the most commonly used, but, as would be seen from article 3 of his draft, the term had the disadvantage of applying to only one of four different classes and could therefore be employed as a generic term only if there was no danger of misunderstanding. Other generic terms in use were " consular official ", " consular agent ", " consular authority " and " consular representative ". The term " consular agent " also had the disadvantage of being the designation of the fourth class of consul in his draft article 3 and of being used in some regulations to designate unpaid officials. There was also a danger of confusion with the term " agent of consular services ", which embraced not only the head of the office but all the members of the subordinate staff as well. Perhaps the most satisfactory generic term would be " consular representative ", which was easily translatable into other languages.

24. A further general question to be settled was that of the relationship between the new convention, should it be decided to adopt such an instrument, and existing bilateral treaties, where the treatment accorded to consular representatives was often more favourable than that provided for in the draft, which had, of necessity, to represent a common denominator of varying rules and practices. Since States could hardly be expected to denounce all their bilateral conventions on the subject, he had thought it wiser, with a view to facilitating wide acceptance of the text, to include a provision, article 38, specifying that the instrument in no way affected existing conventions and that the article applied solely to questions not covered by previous conventions. Another question was what repercussion the new convention would have on existing multilateral conventions. In practice that question should not prove very difficult to settle. If the provisions of the new convention were considered adequate, it should be possible for States to denounce the previous convention.

25. Partly because not all the material now available had been at his disposal at the end of 1956, his first report did not cover every aspect of the subject. He would, therefore, be shortly producing a second report dealing with the immunity of consuls from criminal jurisdiction (which was regulated by many bilateral treaties), the position of consuls in occupied territory, the most-favoured-nation clause in its relation to consular intercourse and immunities, and other matters.

26. He would appreciate the views of the Commission on the following more debatable points: the form the draft should take (whether it should be prepared as a draft convention); the internal structure of the draft, including the question whether honorary consuls should be treated in a special chapter; connexion between diplomatic and consular intercourse (article 1); the establishment, termination and breaking-off of consular relations and the withdrawal of the exequatur; and finally the question of consular missions to non-recognized governments. If he obtained at that stage the observations of the members of the Commission and their proposals for any additions, deletions or amendments, it should be possible to make rapid progress on the subject at the next session, since the articles dealing with many points on which, with some variations of detail, there existed a well-established general practice, could be referred to the Drafting Committee after a brief review. The fact that the draft on consular intercourse and immunities would be considered while the Commission had its decisions on parallel problems of

[1] League of Nations, *Treaty Series*, vol. CLV, 1934-35, No. 3582.

[2] *Laws and Regulations regarding Diplomatic and Consular Privileges and Immunities* (United Nations publication, Sales No. 58.V.3).

diplomatic privileges and immunities fresh in its mind, should also facilitate rapid progress.

27. The CHAIRMAN suggested that, as in its discussion of the draft on diplomatic privileges and immunities, the Commission should proceed on the assumption that the text would take the form of a draft convention but defer its final decision as to the form of the draft, until the text had been completed.

28. Sir Gerald FITZMAURICE, referring to the problem of terminology, said that, while having no fundamental objection to the generic term " consular representative " advocated in paragraph 101 of Mr. Zourek's report, he considered it suffered from a number of disadvantages. A consular officer was undoubtedly a representative of his country, but, historically, that had not always been his primary function. Use of the term might tend to blur the distinction between diplomatic and consular representatives. Lastly, if the Commission referred to consuls as " consular representatives ", while referring to diplomats as " diplomatic agents ", it might almost seem to suggest that the consular officer possessed a more representative character than the diplomatic agent, whereas the reverse was the case. The term " consular officer " was the most familiar to him but he had no marked preference for any of the current designations.

29. The Special Rapporteur had prepared his draft on consular intercourse and immunities before even the first draft on diplomatic intercourse and immunities had been completed, and quite a large number of changes had been made in the latter draft since then. He considered that, as a guiding principle which must not be carried to extremes, the Commission should endeavour to treat any matter in consular intercourse and immunities which bore a real analogy to diplomatic intercourse and immunities in much the same manner in each draft. For example, after discussing whether States had the right to establish diplomatic relations and whether it was desirable to refer to that right, the Commission had finally contented itself with a statement on the lines of article 1, paragraph 3, in Mr. Zourek's draft on consular intercourse, namely, that diplomatic relations were established by mutual consent. Since it was undesirable to place the establishment of consular relations on a higher footing than that of diplomatic relations, he would prefer that article 1, paragraph 1, of Mr. Zourek's draft be deleted and the article drafted more on the lines of article 1 in the draft on diplomatic intercourse.

30. As for the form the draft should take, he thought that the arguments in favour of preparing it in the form of a draft convention were very much stronger than in the case of diplomatic intercourse and immunities. Though few of the matters dealt with in the draft could be described as very new, it was practically the first time that any attempt had been made to draw up a comprehensive code dealing with points on which no customary law at least existed.

31. He also fully agreed that it would be a very serious omission if the draft failed to deal with the institution of honorary consuls. That was a feature of consular intercourse whose importance, already considerable, might even be described as on the increase.

32. Mr. TUNKIN agreed that the problem of terminology was important. The terminology used in the draft articles on consular intercourse and immunities should concord with that used in the draft on diplomatic intercourse and immunities, since the two drafts contained many parallel ideas and provisions. He would suggest, however, that the Commission should not discuss questions of terminology at that stage, but should ask the Special Rapporteur to prepare a definitions article, which could then be discussed in detail.

33. Mr. FRANÇOIS said he disagreed with the views expressed by the Special Rapporteur on the subject of honorary consuls. The Special Rapporteur seemed to regard honorary consuls as representing an institution which belonged to the past and which was maintained by some States for purely pecuniary reasons. The Special Rapporteur admitted, however, that a number of countries still employed that type of consul.

34. In his opinion, the Special Rapporteur did not do justice to the institution of honorary consuls. For some countries, particularly small countries with large merchant fleets, it was absolutely necessary to appoint honorary consuls, because some authority was needed to perform consular duties in almost every port in the world. To appoint career consuls on such a large scale would not only be too expensive but also extremely wasteful, since in most cases there would not be enough work at particular ports to keep a career consul fully employed. It might be argued that it would be enough for maritime States to maintain consuls in the capital cities of the States at whose ports their ships called, but seamen could not be expected to travel to the capital on every occasion merely to get their papers signed.

35. The Special Rapporteur affirmed that a number of States refused to accept honorary consuls. He would be every interested to have from the Special Rapporteur a list of the countries concerned.

36. Mr. YOKOTA agreed that the draft articles should take the form of a convention.

37. The order of the articles and their terminology should correspond as closely as possible to the order and terminology of the articles on diplomatic intercourse and immunities. Article 1, for example, should be reconsidered from that point of view.

38. He agreed with Sir Gerald Fitzmaurice and Mr. François that honorary consuls represented an important group of consular officers. Japan probably had more honorary consuls now that it had had before the Second World War. Before the war it had had a career consul at Zurich, for example, but now it had only an honorary consul there. Obviously therefore the draft must contain provisions relating to honorary consuls, but since their status was quite different from that of career consuls, it was appropriate that they should be dealt with in a separate chapter.

39. He did not agree, however, with their separation from career consuls for the purposes of article 39 of the draft, which allowed the ratification either of all the articles, or of all the articles exept those dealing with honorary consuls. That approach was based on the assumption that a large number of States opposed the appointment of honorary consuls in principle. But that was not the case, and even if some States did not appoint or accept honorary consuls, that was not a sound reason for giving them separate treatment for the purposes of the ratification of the convention. The position of honorary consuls was somewhat similar, though not exactly parallel, to that of diplomatic agents who were nationals of the receiving State. Some members of the Commission had expressed categorical opposition to the appointment of such persons as diplomatic agents, and had maintained that the draft on diplomatic intercourse and immunities should contain no reference to them. It was always possible, however, for States which objected to the appointment either of diplomatic agents of the type he had mentioned or of honorary consuls to refuse to accept their appointment, and there was no need to provide for the possibility of partial ratification on that account. It was true that a similar procedure to that suggested by the Special Rapporteur for partial ratification had been adopted in the General Act for the Pacific Settlement of International Disputes of 1928, but that instrument had dealt with an entirely different matter, and he would therefore ask the Special Rapporteur to reconsider his draft article 39.

40. Mr. VERDROSS congratulated the Special Rapporteur on his report, which he thought should enable the Commission to dispose of the subject expeditiously at its next session. There were, however, two points of a general nature to which he would like to draw attention.

41. The Special Rapporteur had stated that the subject of consular intercourse and immunities was regulated only by treaties. While that was generally true, some of the principles involved belonged to general international law, and consequently the Commission's task should be not only to perform an exercise in the study of comparative law but also to ascertain what general principles affecting the subject existed.

42. He did not share the Special Rapporteur's view that diplomatic and consular relations were necessarily connected. Consular relations were conducted by agreement between the receiving and the sending States. Although it was true that diplomatic functions were broader than consular functions, it was also true that consular officers came much more closely into contact than did diplomatic agents with the insitutions of the country in which they discharged their duties. Whereas a diplomatic agent had to work through the Ministry of Foreign Affairs, a consular officer had direct access to the courts and the local administrative authorities. Although diplomatic and consular relations normally went together, there were cases where there was diplomatic, but not consular, intercourse ; and it would be wrong to assert that the two were necessarily associated.

43. Mr. ALFARO congratulated the Special Rapporteur on the excellent basis he had provided for discussion.

44. He agreed that the draft articles should take the form of a convention, for the subject with which they were concerned was particularly suited to such treatment.

45. On the question of terminology, he agreed with Sir Gerald Fitzmaurice that it would be inappropriate to use the term " consular representatives " as a general term for all consular officers, when members of diplomatic missions, who represented their State on a higher level, had merely been called " diplomatic agents ". He did not think, however, that the term " consular agents " should be used, though it was convenient and would have the advantage of bringing the two drafts into line. The term was open to criticism in that it might cause confusion because it generally applied to a category of consular officers immediately below that of vice-consuls. He would therefore suggest that the generic term should be " consular official ".

46. Mr. BARTOS said that in his opinion the Special Rapporteur's report should provide a solid basis for the Commission's work. There were nevertheless many provisions which needed redrafting.

47. On the question of honorary conculs, for example, he agreed with the views expressed by Mr. François, and he would add that countries of emigration also felt the need to employ honorary consuls in countries of immigration, where their nationals who had emigrated could not be left without consular protection. As in the case of honorary consuls employed by maritime countries at ports, however, the amount of work involved in protecting the interests of immigrants was not such as to justify the appointment of career consuls, either from the point of view of expense or from that of the economical use of manpower. The honorary consuls employed by the countries of emigration were very often emigrants who had become respected citizens of the countries to which they had migrated.

48. The Yugoslav Government, for example, had abandoned the policy of not employing honorary consuls which it had adopted immediately after the war, and had decided not only to revive but to develop the institution. Such honorary consuls performed the same duties, though they did not perhaps have the same privileges and immunities, as career consuls. The Special Rapporteur's provisions relating to honorary consuls should therefore be redrafted.

49. On the question of terminology, he agreed with Mr. Alfaro that the use of the expression " consular agent " as a general term to describe consular officers might be misleading, for in the current terminology consular agents had specific and well-defined responsibilities.

50. Another matter which deserved more detailed treatment in the draft was the amalgamation of diplomatic and consular functions. In Australia, New Zealand and the Union of South Africa, for example, the consular officers of some countries, though not empowered to perform diplomatic functions, and though not regarded as *chargés d'affaires,* acted as intermediaries between the Ministry of Foreign Affairs of the sending State and the Ministry of Foreign Affairs of the receiving State. Furthermore, as in the case of many Latin-American diplomatic missions accredited to London, it was not uncommon for diplomats to act as consuls without losing their diplomatic rank. In some cases they might possess both diplomatic credentials and consular commissions giving them the right of direct access to the local authorities in the receiving State. In cases of doubt, however, their status as diplomatic agents was always regarded as having priority over their status as consuls. Reference might also be made to the common practice whereby embassies had a consular section, some members of which, though performing consular duties and provided with consular commissions, were nevertheless included in the diplomatic list.

51. The Special Rapporteur had suggested that some countries would not allow the appointment of honorary consuls. In his (Mr. Bartos') experience that was true exclusively of certain eastern European countries.

The meeting rose at 1 p.m.

469th MEETING

Monday, 23 June 1958, at 3 p.m.

Chairman : Mr. Radhabinod PAL.

Consular intercourse and immunities (A/CN.4/108) (*continued*)

[Agenda item 6]

GENERAL DEBATE (*continued*)

1. Mr. HSU said that he would like to associate himself with those who had congratulated the Special Rapporteur on his excellent report (A/CN.4/108).

2. In paragraph 43, the report stated that despite repeated efforts China had only achieved the abrogation of consular jurisdiction during the Second World War. Why such jurisdiction in China was not abrogated earlier needed an explanation. By itself, such jurisdiction would have been abrogated long before, because in the first place the system was not based upon customary law but upon treaties and, secondly, is was to a large extent established voluntarily except in the cases of England after the Opium War and Japan after the Korean War. What delayed the abrogation was its complication by the existence of foreign settlements and concessions in certain towns and special navigation rights on certain rivers and canals. As the foreign merchants and some of their Governments were bent upon preserving this set of rights, it was necessary to wait until the Second World War before the abrogation of consular jurisdiction became a success, then it appeared to them that preserving that set of rights was no longer possible.

3. In the last sentence of paragraph 72, the report stated that the attributes of diplomatic representatives included consular functions. That statement had been challenged, and superficially there was something to be said for both points of view. Traditionally, the two sets of functions had been kept apart because they had developed independently, but in modern times they tended to merge. Closer consideration of the matter inclined him to agree with the Special Rapporteur. The development of consular functions had been influenced at every stage of their development by the requirements of international trade in the widest sense. In article 2 of its draft on diplomatic intercourse and immunities, however, the Commission had admitted that the functions of diplomatic missions included the protection of the interests of their nationals and the promotion of economic, cultural and scientific relations. It could, therefore, hardly be denied that diplomatic functions included consular functions.

4. At the present stage of development, diplomatic missions had in general taken over the policy side of the problem of meeting international trade requirements, leaving to the consular missions what were more or less only matters of administration. That, however, should be no obstacle to regarding the other consular functions as part of the functions taken over by the diplomatic missions. The functions of a consular mission were no less entitled to be regarded as diplomatic than the functions performed by the administrative, technical and service staff of a diplomatic mission, which were not themselves regarded as non-diplomatic.

5. Those who had objected to the Special Rapporteur's statement in paragraph 72 had presumably wished to restrict the meaning of the term " diplomatic " as applied to functions, but he did not think that there was any substantial disagreement between them and the Special Rapporteur. The question was not purely academic, since it had a bearing on the question of diplomatic privileges and immunities, and particularly on the provisions of article 28 of the Commission's draft on that subject. Since the functions of the members of the administrative and technical staff of a diplomatic mission differed little from those of the members of a consular mission, it would perhaps be inadvisable to grant them greater privileges and immunities than were granted to the members of consular missions.

6. Mr. EDMONDS said that to the practising lawyer and to the business community the subject of consular intercourse and immunities was perhaps more important than any other subject on the Commission's agenda, for