

Document:-  
**A/CN.4/SR.507**

**Summary record of the 507th meeting**

Topic:  
**Consular intercourse and immunities**

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term "consular agent" in a sense that differed from its generally accepted meaning, and he pointed out that, if consular agents were included as the lowest class of consular officers, certain difficulties would arise in subsequent articles. For example, article 6 would not apply to such consular agents because they were in many cases appointed not by the sending State but by its consul and did not require the exequatur. In his view the best solution would be to omit consular agents from the text of article 3, and include a description of their position and functions in the commentary or in a separate article.

63. He favoured the use of the term "consular officers" in the generic sense with a suitable explanation in the commentary. He agreed with Mr. Scelle that article 3 should contain some reference to honorary consular officers and he also agreed with the speakers who had suggested the omission of the final sentence of paragraph 2.

64. Accordingly, he suggested that: (a) an article on definitions should be inserted; (b) the term "consular officer" should be used in its generic sense; (c) class 4 should be omitted in paragraph 1 and consular agents should be referred to in the commentary or in a separate article; and (d) honorary consular officers should be mentioned in article 3.

65. Mr. VERDROSS pointed out that article 3 made no distinction between honorary and career officers, and the precedence of the four classes mentioned would not be affected by the fact that an officer had been appointed in an honorary capacity. If Mr. Scelle insisted on his point, it might be made clear in the commentary that article 3 applied equally to honorary officers.

66. Mr. SANDSTRÖM agreed with Mr. Scelle that the use of the same term in two senses should be avoided and that the best generic term would be "consular officers". He also agreed that honorary consular officers should be mentioned in article 3; however, they should not be listed as a fifth class. A sentence might be added after the enumeration to the effect that consular officers might be career officers or honorary officers. He had thought that the question of rank had been adequately settled in practice, but Mr. François had convinced him that it might be useful to retain paragraph 2 in order that Governments could comment on the question.

The meeting rose at 1 p.m.

## 507th MEETING

Wednesday, 3 June 1959, at 9.50 a.m.

Chairman: Sir Gerald FITZMAURICE

### Consular intercourse and immunities (A/CN.4/108, A/CN.4/L.79, A/CN.4/L.80, A/CN.4/L.82) (continued)

[Agenda item 2]

#### DRAFT PROVISIONAL ARTICLES ON CONSULAR INTERCOURSE AND IMMUNITIES (A/CN.4/108, PART II) (continued)

##### ARTICLE 3 (continued)

1. Mr. PAL recalled that the Special Rapporteur had at the very beginning of the discussion of his draft withdrawn the term "consular representatives" (see 497th meeting, para. 29), and it seemed to him that the Commission might have been spared the discussion that had

taken place on terminology. For his part, had the Special Rapporteur not withdrawn the term, he could have defended it in view of the changing field of State activities and the increasing importance of the State in consular relations.

2. He supported the amendment of the title to read: "Classes of heads of consular offices" (see 506th meeting, para. 9) and had no objection to Mr. Sandström's amendment, which had been accepted by the Special Rapporteur (*ibid.*, para. 11).

3. Paragraph 1 set out four classes of heads of consular offices. He had listened to the discussion carefully but no one had questioned that the classes specified were the actual categories used to represent the heads of consular offices, or had maintained that any other classes existed. While there had been objection to the inclusion of consular agents, it had been shown that consular agencies were established by some countries, and the Commission's codification could not ignore that fact. Again, it had been argued that the term "consular agents" was unsatisfactory because, being used in a technical sense, it did not correspond to the term "diplomatic agents" which had been used in a generic sense in the draft on diplomatic intercourse and immunities. That was true, but in the latter draft the term had been defined that way only to cover what was dealt with there under that name, whereas in the present draft the term "consular agents" was being used to indicate a particular category of consular officers, actually so designated in practice, and the Commission could not but take account of that practice.

4. He invited the Drafting Committee to bear in mind article 13, paragraph 2, and articles 14 and 15 of the draft on diplomatic intercourse and immunities with a view possibly to include corresponding provisions in relation to article 3.

5. As to the question of mentioning honorary consuls, he supported the Special Rapporteur's solution of dealing with them in a separate article, since honorary consuls were not an additional class of heads of consular offices, but could be placed in any one of the four classes specified in article 3.

6. Mr. YOKOTA pointed out that there had already been considerable debate on the generic term for consular officials. The question would arise repeatedly in connexion with subsequent articles. Nearly all members of the Commission were prepared to accept the term "consular officers" and he suggested that it would save time if the Commission could take a formal decision to that effect as soon as possible.

7. Mr. ZOUREK, Special Rapporteur, announced that he had prepared an article on definitions which would probably be distributed at the next meeting, and thought that it would be best to take up Mr. Yokota's suggestion in connexion with that article. For the present, he would only point out that article 3 dealt exclusively with heads of consular offices whereas in other articles it would be necessary to deal with members of the consular staff. He pointed out that the term "consular officers" should be reserved for all persons, including the heads of consular offices, who, appointed from among the officials of the consular service of a State, exercised their consular functions at a consulate on the territory of the State of residence. Such persons were, apart from the heads of consular offices, consuls and any vice-consuls assisting them, attachés and consular secretaries, consular assistants (*élèves-consuls*), etc. If there was any objection to

using the term "consular representative", the only other possibility was the word "consul" used in its generic sense. That use of the word was, moreover, to be found in many conventions.

8. Mr. SCALLE recalled his statement at the previous meeting (506th meeting, paras. 48-51) and observed that from the international point of view there were only three classes of heads of consular offices: consuls-general, consuls, and vice-consuls. It was rare that a consular agent was appointed by a consul as the head of a consular office. In order to exercise that function he would have to be granted the exequatur. He submitted for the consideration of the Drafting Committee the following re-draft of article 3, paragraph 1:

"Consular officers who are heads of office shall be divided into three classes: (1) Consuls-general; (2) Consuls; (3) Vice-consuls.

"In case of absence or inability to act of the above-mentioned consuls, consular agents or honorary consuls may deputize for or replace them."

9. Mr. BARTOŠ recalled that the draft on diplomatic intercourse and immunities used the terms "heads of diplomatic missions" and "diplomatic officers". He suggested that in the present draft the corresponding terms should be "heads of consular offices" and "consular officers".

10. It had been said that the question of honorary consuls could be dealt with in a separate article. He agreed, but pointed out that article 37 (*Legal status of honorary consuls and similar officers*) contained no reference to article 3. It would, therefore, be necessary either to insert such a reference or to mention honorary consuls in the text of article 3.

11. In that connexion he could not agree with Mr. Scelle's solution of equating consular agents with honorary consuls; the former were a special category of consular officers whereas the latter could be appointed as consuls-general, consuls, vice-consuls or consular agents.

12. He recalled his statement at the previous meeting concerning consular agents (see 506th meeting, paras. 38-43) and added that there were two kinds of consular agents, those who worked independently and were appointed directly by the sending State and those who worked for, and had been appointed by, the head of a consular office. They were not clerks but *consules missi* or *electi* and, if career officers, might be high functionaries having the internal rank of consuls-general, and, if honorary officers, were usually appointed from among resident notables. If it were desired to limit the enumeration in paragraph 1 to the first three classes, the correct solution would be to add a sentence to the effect that there were also consular agents, with an appropriate description of their functions.

13. Mr. EL-KHOURI said that in his view the classification proposed by the Special Rapporteur appeared to be adequate and that for Arabic-speaking countries the best generic term would be "consular officers". Perhaps the term "proconsul", fairly common in former times, might be revived in the draft to describe an officer who served as the acting head of a consular office, corresponding to the *chargé d'affaires* in diplomatic practice.

14. Mr. LIANG, Secretary to the Commission, stated that after the discussion at the last meeting his attention had been drawn to the French Decree of 14 September 1946 relating to consular agents,<sup>1</sup> which contained twenty-

two articles on the subject. He read out the text of a number of the articles and concluded that consular agents were without doubt consular officers. There was no doubt either that, so far as French consular agents were concerned, they were not heads of consular offices.

15. On the other hand, according to an official Swiss list, there were nine French consular agencies and one Cuban consular agency in Switzerland.

16. The sources he had cited confirmed the opinion he had expressed at the previous meeting (506th meeting, para. 21) that Governments should be asked to describe their practice in the matter of recognizing consular agents, and he thought that part of the functions of a consular agent could be to supplement the work of the head of a consular office.

17. In connexion with the introductory sentence of article 3, paragraph 1, he pointed out that the French text was descriptive, not mandatory.

18. Mr. AMADO recalled his observations concerning consular agents at the previous meeting (506th meeting, para. 59). Article 3 posed the serious question of the classification of consular officers for the purposes of international law. There was no controversy concerning consuls-general, consuls and vice-consuls, but, as he had pointed out before, on the subject of consular agents the sources were not unanimous. That being so, was the Commission justified in establishing consular agents as an international category? Surely it should first obtain more information from Governments. Accordingly, he agreed with Mr. Scelle that paragraph 1 should be limited to the three classes concerning which there was no dispute.

19. Mr. MATINE-DAFTARY said that his comments at the previous meeting on the functions of consular agents (506th meeting, para. 25) had been borne out by the provisions describing the French practice cited by the Secretary. He pointed out that he had only mentioned in passing the role of consular agents in the capitulations system and had not said that all consular agencies were a vestige of that system.

20. It had been suggested that Governments should be invited to describe their practice. In his own country's practice, consular agents were sometimes employed as functionaries in a consular office headed by a consul-general, consul or vice-consul. In other cases a consular district might be divided into sub-districts, each in charge of a consul-general, consul or vice-consul. Or again, a consular district might be divided into sub-districts headed, according to their degree of importance, by a vice-consul or a consular agent answerable to the titular head of the post for the whole district. Such sub-districts were becoming increasingly rare, since modern means of transport made it possible for nationals to visit the office of the head of the post. However, he could not conceive of a case in which a consular district could be entrusted permanently—and in an exclusive capacity—to a consular agent.

21. In connexion with the first sentence of paragraph 2, he asked why it provided that the rank of consular representatives would be determined according to the date of the exequatur, whereas under the corresponding provision in article 15 of the draft on diplomatic intercourse and immunities precedence depended either on the date of the official notification of the arrival of the head of mission or on the date of the presentation of letters of credence. Conceivably, there might be considerable delay in the granting of the exequatur, and a consul of sending

<sup>1</sup> *Journal officiel*, 17 September 1946.

State A who had presented his commission before the consul of sending State B might receive his exequatur after the consul of State B. Moreover, it often happened that the headquarters staff of a consulate-general consisted of a consul-general, who was the head of the post, and of one or more consuls or vice-consuls. What precedence would the latter take in a consular corps?

22. Mr. TUNKIN said that the problems arising out of article 3 hardly warranted such a lengthy discussion. Any terminological difficulties could be held over until the article on definitions had been circulated. The question of honorary consuls was quite distinct and would be dealt with in a subsequent chapter.

23. The only controversial point was whether consular agents should be included in article 3, and he believed that for the time being they should be included for they undoubtedly existed. The commentary should state that there was some doubt about the precise legal status of consular agents, and Governments should be asked to describe their practice with respect to consular agents.

24. Mr. YOKOTA said that in Japan there were three consular agents who were heads of independent consular offices, and thirty-two honorary as compared to thirty-six career consuls who were heads of offices. Thus, the use of honorary consuls was perhaps more widespread than was realized. However, he had no objection to that category being dealt with in a separate chapter of the draft.

25. Some thought would have to be given to the precedence as between honorary and career consuls who were heads of consulates.

26. Mr. ERIM said that the fourth category in article 3, paragraph 1, would be out of place if the word "representatives" were replaced by the word "officers" (*fonctionnaires*) because in the legislation of some countries the latter term meant a special category of government agents. The expression "consular representatives" in the title on the other hand could be retained if Mr. Scelle's text were adopted.

27. There seemed general agreement that the first three classes were genuine career officials, and the only doubts related to consular agents who, having a status in some countries similar to that of honorary consuls, should (it was said) be dealt with in chapter III of the draft. Yet, though not consular officers *stricto sensu*, consular agents were nevertheless consular representatives in the general sense, and if article 3 was to reflect the existing practice they, as well as honorary consuls, should be mentioned in that article.

28. Mr. PADILLA NERVO referred to the suggestions he had made at the previous meeting (506th meeting, para. 64).

29. With reference to the consular convention between the United States of America and the United Kingdom, 1951, cited by the Special Rapporteur (*ibid.*, para. 30), he said that though the convention mentioned consular agencies, he did not think they were necessarily under the direction of an agent. The information provided by the Secretary to the Commission confirmed that it would be at variance with existing practice to include class (4) in article 3; accordingly, it was for the Special Rapporteur to decide whether it would be appropriate to include it as a provision *de lege ferenda*.

30. Referring to the second paragraph in Mr. Scelle's amendment (see para. 8 above), he said it was not the practice to appoint honorary consuls during the absence of career officials.

31. Mr. SCELLE explained that in the context the words "in case of absence" were intended to mean either that no officer belonging to one of the three classes enumerated existed or the temporary absence of such an official.

32. The French decree cited by the Secretary (see para. 14 above) was concerned almost exclusively with the internal organization of the French consular service and threw virtually no light on the problems of international law. A State could use a consular agent or honorary consul instead of a consul-general or consul, but in either case an exequatur would be indispensable, particularly if the person in question was the head of the office. On that point the decree was silent.

33. Mr. FRANÇOIS was grateful to Mr. Scelle for his explanation of the words "in case of absence". Large countries often failed to understand the acute need of small countries, particularly those with great maritime and commercial interests, to appoint numerous honorary consuls who were neither temporary nor inferior in status. Citing his own country as an example, he said that the Netherlands had thirty or forty posts for career consuls and some 600 or 700 honorary consuls so that it would be quite erroneous to describe the latter simply as substitutes.

34. He did not think that honorary consuls should be referred to in article 3, if only because such a reference in that context might destroy the structure of the Special Rapporteur's draft. A separate chapter would be preferable.

35. Mr. GARCIA AMADOR said he was inclined to support Mr. Scelle's amendment for it overcame a number of the difficulties under discussion. The Special Rapporteur's draft seemed to refer to career consuls, though in practice it might also be applicable to consular agents and other classes of consular representative. In Cuban law, the status of consular agents was that of honorary consuls, whether they were Cuban nationals or nationals of the State of residence.

36. As the problem of classification was a thorny one he suggested that it might be left in abeyance until the Commission had more information to decide whether or not it should confine itself to codifying existing practice.

37. Mr. HSU said that, as there was considerable uncertainty about the status and functions of honorary consuls and consular agents, the Commission should postpone taking a decision until the Special Rapporteur, perhaps with the Secretariat's help, had ascertained what was the general practice.

38. Mr. SANDSTRÖM saw no force in Mr. François's objections to honorary consuls being mentioned in article 3; after all, chapter I of the draft contained general provisions that were applicable to them.

39. If class (4) were retained in article 3, paragraph 1, the opening sentence in Mr. Scelle's amendment was more appropriate because it conformed with practice. Though Sweden did not use consular agents it had concluded a consular convention with the United Kingdom, signed at Stockholm on 14 March 1952, in which the term "consular agency" was mentioned.<sup>2</sup> The Special Rapporteur had given convincing reasons for the inclusion of consular agents, pointing out that they were

<sup>2</sup> See *Laws and Regulations regarding Diplomatic and Consular Privileges and Immunities*, United Nations Legislative Series, vol. VII (United Nations publication, Sales No.: 58.V.3), p. 467.

referred to not only in the municipal legislation of various countries but also in international conventions. It was not a matter of great moment and he would have thought that class (4) could be retained in the article, particularly as it was not yet definitive and it was the intention to draw the attention of Governments to that question.

40. Mr. ALFARO observed that, although the custom of accrediting consular agents was gradually disappearing, there was evidence that some countries appointed such agents, not only as officers under the authority of superiors, but as heads of consular offices at places where few facilities were available for the nationals of the sending State. Accordingly, that class should be retained in the enumeration until it could be proved that the practice had lapsed. In the draft on diplomatic intercourse and immunities the class of *chargés d'affaires* as heads of mission, although an obsolescent institution, had been retained. Similarly in the draft now under discussion, the class of consular agents should be mentioned.

41. With regard to Mr. Scelle's amendment, he thought that it was inaccurate to place honorary consuls on the footing of temporary substitutes. Honorary consuls were distinguished from career consuls not by the exercise of their functions, but by the nature of their remuneration by the sending State. Their functions were the same as those of career consuls. He therefore thought that honorary consuls might be mentioned in article 3, but only stating that they could be accredited in the same classes as career consuls and that they enjoyed the privileges and immunities accorded to them under chapter III.

42. The CHAIRMAN agreed with the Special Rapporteur that honorary consuls should be dealt with mainly in chapter III of the draft. He saw no reason, however, why some mention of them should not be made in article 3. The article could, for example, begin with a sentence reading "Consular officers may be career consuls or honorary consuls", and the next sentence might read "Consular officers who are heads of office, whether career or honorary, might be divided into three (or four) classes". The privileges and immunities of honorary consuls would thus not be prejudged, but it would be made clear that they could be divided into the same classes as career consuls.

43. With regard to the question of including consular agents in the classification, he thought there was much to be said for the argument that it would be difficult to prepare the final text of article 3 without submitting the question to Governments. Two points seemed to have emerged from the discussion. In the first place, consular agents as a class existed and, secondly, they could be heads of consular offices. It had been said that in some cases an office designated as a consular agency might be headed by a vice-consul or a consul; that was true, but there were still cases where such offices were headed by an officer described as a consular agent. In some cases, for example where consular relations were being opened between countries or if the country of residence was not fully sovereign, the preliminary step in establishing consular relations was an exchange of consular agents. He therefore saw no reason why the class of consular agents should not be mentioned in the enumeration. If it were decided not to do so, he thought that the Special Rapporteur might add a new paragraph, stating that, in addition to the first three classes, there was also the class of consular agents, whose functions would be described in a separate article.

44. Mr. ZOUREK, Special Rapporteur, referring to the doubts expressed concerning the inclusion of the class of consular agents in the enumeration, reiterated that that class existed in practice and could not be omitted from a codification.

45. The principal misunderstanding had arisen from the assumption that, if the class were included, the States which appointed no consular agents would have to change their legislation. Nevertheless, all States would be free to arrange their consular hierarchy as they wished. The inclusion of the class of *chargés d'affaires* as heads of mission in the classification of diplomatic agents had entailed no obligation to change legislation, and the two cases were similar.

46. A further misunderstanding seemed to arise from the belief that all consular officers must be heads of mission; but that was patently not the case. The fact that consular officers other than heads of office were appointed in different ways and had different functions could not be advanced as an argument against the inclusion of consular agents in the classification of heads of consular offices. Of course, the term "consular agents" was used in a special sense in some legislation; for example, in French legislation, it was used to denote an official delegated by the consul for limited purposes. In those cases, however, the consular agent was not the head of an office, since a new office could not be created in a district merely by delegation; the consent of the State of residence would also be required. Thus, there was a clear difference between, on the one hand, consular agents who might be the only consular representatives in a foreign country and, consequently, were heads of office, and, on the other, consular agents appointed by the district consul or vice-consul, with the consent of the State of residence, to work under his direct jurisdiction. Those cases might be assimilated to the exercise of certain functions by a vice-consul in a large consular district, under the direction of the consul-general or consul. The fact that national legislation on the subject varied was no reason for excluding the class of consular agents, but made it the more necessary to clarify the situation and to achieve uniformity of nomenclature. Consular agents should be included in the classification, an explanation should be added in the commentary and Governments should be invited to describe their practice with regard to the denomination and appointment of consular agents. The Commission would then have a solid basis for its final decision on the matter during its second reading of the draft.

47. Turning to Mr. Scelle's amendment, he said he could accept the introductory phrase, but he maintained that four classes should be mentioned. However, he could not accept Mr. Scelle's second paragraph for two reasons. In the first place, it was inaccurate to state that consular agents and honorary consuls acted as substitutes for heads of consular offices; in that connexion he referred the Commission to article 11 of his draft (*Ad interim functions*). Secondly, the system of honorary consuls was used concurrently with that of career consuls. It might possibly be said that honorary consuls acted in the absence of career consuls in the sense that they might do so if there was no career consul in the country of residence, but the case might also arise where a consul-general might be the head of the consular office in the capital of the country of residence, while an honorary consul exercised his func-

tions in, say, another post in the same country. Accordingly, the paragraph did not describe the existing practice in the matter and could not be accepted.

48. In reply to members who had suggested that honorary consuls should be mentioned in some way in article 3, he observed that the draft had been so constructed as to restrict chapters I and II to career consuls and chapter III to honorary consuls and similar officers. Moreover, article 35 referred back to article 3. He agreed with Mr. François that it would be better to concentrate all the provisions relating to honorary consuls in chapter III. The commentary to article 3 might say that the article related to honorary as well as to career consuls.

49. The generic term to be used to describe consular officers would be discussed in connexion with the article on definitions. However, he wished to clarify the situation that would arise if, in accordance with the suggestion of some members, that generic term were used instead of "heads of consular offices" in the introductory phrase of article 3. The draft could not aspire to classifying all consular officers; it should leave States free to organize their consular hierarchy as they wished.

50. Turning to paragraph 2 of his draft, he said he could accept Mr. Sandström's amendments. In reply to Mr. Matine-Daftary's question (see para. 21 above), he said the date mentioned was the easiest to establish, since it was mentioned in official gazettes and it was the date when a consular officer usually began to exercise his functions. The date of the communication of the consular commission was much more difficult to establish, as the Commission would find when it came to consider article 6. That date could be used only in the very unlikely case where the exequatur was granted in the same place and on the same date to two consular officers. With regard to the point raised by the Chairman (506th meeting, para. 14) concerning the exequatur, he thought that the difficulty might be obviated either by a reference to the article on definitions or, if Mr. Sandström's suggestion to make paragraph 2 a separate article were followed, by inserting that new article after article 11. In any case, the problem could be solved by the Drafting Committee. Finally, some members had suggested that the last sentence of paragraph 2 should be deleted. He had no objection to that suggestion in principle; nevertheless, he still believed, for the reasons he had already given, that the sentence had some value.

51. The CHAIRMAN suggested that, in view of the complexity of the discussion, the Special Rapporteur should be asked to redraft article 3 on the basis of his summing up.

*It was so agreed.*

The meeting rose at 1 p.m.

## 508th MEETING

*Thursday, 4 June 1959, at 9.55 a.m.*

*Chairman:* Sir Gerald FITZMAURICE

**Consular intercourse and immunities (A/CN.4/108, A/CN.4/L.79, A/CN.4/L.80, A/CN.4/L.82)**  
(continued)

[Agenda item 2]

### DRAFT PROVISIONAL ARTICLES ON CONSULAR INTERCOURSE AND IMMUNITIES (A/CN.4/108, PART II) (continued)

1. The CHAIRMAN invited the Commission to consider article 4 of the draft on consular intercourse and immunities, pending the preparation of the Special Rapporteur's redraft of article 3.

#### ARTICLE 4

2. Mr. ZOUREK, Special Rapporteur, introducing article 4, said that it stated a fundamental and generally recognized principle. He referred to the commentary on the article. He stressed that the statement of principle in the article constituted an introduction to subsequent articles concerning the procedure and form of the recognition of consuls, and pointed out that such a provision was also necessary in order to emphasize the fact that the draft before the Commission referred solely to those consular officers whose status was likewise governed by international law.

3. Mr. FRANÇOIS said that, since article 3 would be limited to heads of consular offices, the words "to a post in one of the four classes listed in article 3" should be omitted in article 4, since certain consular officers who were not heads of posts might also come within the provisions of article 4.

4. Mr. ZOUREK, Special Rapporteur, thought that the question raised by Mr. François related mainly to the drafting of article 4. The Commission should above all decide whether it agreed on the principles stated in that article.

5. The CHAIRMAN thought that if in article 3 the enumeration of the four classes were omitted, article 4 would become almost pointless. In effect, it would merely reiterate in different language the principle laid down earlier in the draft that the receiving State's consent was necessary for the admission of consuls.

6. Mr. SANDSTRÖM said that Mr. François's point was confirmed by paragraph 10 of the commentary on article 7. He thought that article 4 should be drafted in the form of a rule, not in the form of a definition.

7. Mr. EDMONDS expressed some doubt concerning article 4, in the light of the wording that seemed to have been agreed upon for article 3. He agreed with Mr. Sandström that the principle should be stated in terms of functions, rather than in terms of title. He preferred the corresponding provision of the Harvard Law School draft (article 3)<sup>1</sup> that a person became a consul through his appointment by a sending State to exercise consular functions and his admission to the exercise of such functions by the receiving State.

8. Mr. LIANG, Secretary to the Commission, said that the Commission had not as yet decided to replace the term "consular representative" by "consular officer". In the context of article 4, the term "consular officer" would be somewhat inappropriate, for it meant an official under domestic law. For example, in the legislation of Ireland the term "consular representative" was used. In the particular context, the latter term would be more suitable.

9. Turning to the point made by Mr. François, he considered that some distinction should be made be-

<sup>1</sup> Harvard Law School, *Research in International Law*, II. *The Legal Position and Functions of Consuls* (Cambridge, Mass., 1932), p. 231.