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Summary record of the 574th meeting

Topic:
Consular intercourse and immunities

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not deal with the end of consular relations, as the proposed title implied, but with the termination of consular functions.

72. Sir Gerald FITZMAURICE said that the words "and immunities" in the title of section VI could be omitted, since there was no mention of the termination of immunities in the section.

73. Mr. TUNKIN drew attention to the wording of the title of section IV and of article 41 in the draft on diplomatic intercourse, and proposed that the substance of article 49 and its title should be formulated along similar lines.

74. Mr. AGO observed that in that case the word "grounds" should not be used in the text of article 49.

Mr. Tunkin's proposal was agreed to.

Article 49 was adopted by 15 votes to none, with 1 abstention, subject to the effects of Mr. Tunkin's proposal.

ARTICLE 50 (*Maintenance of consular relations in the event of the severance of diplomatic relations*)

75. Mr. AGO pointed out that it was understood that article 50 could have no meaning unless combined with that of article 2, paragraph 2, if adopted.

Article 50 was adopted unanimously.

ARTICLE 51 (*Right to leave the territory of the receiving State and facilitation of departure*)

76. Mr. TUNKIN asked why the words "for their departure as soon as they are ready to leave" in paragraph 2 had been included in place of "in order to enable persons . . . to leave at the earliest possible moment", the words which appeared in the corresponding article (article 42) of the draft on diplomatic intercourse.

77. Sir Gerald FITZMAURICE explained that while it could be assumed that a diplomatic official would wish to leave as soon as possible, a consular official might require a little time to wind up his affairs in view of the great variety of consular functions.

78. Mr. TUNKIN said that he saw no reason for departing from article 42 of the draft on diplomatic intercourse, but in view of the late stage in the session's work he would not press for a change.

Article 51 was adopted by 13 votes to none.

ARTICLE 52 (*Protection of consular premises and archives and of the interests of the sending State*)

79. Mr. BARTOŠ asked for a separate vote on paragraph 3. He would vote against it because it failed to provide for the restoration of archives by the receiving State.

Paragraphs 1 and 2 were adopted by 13 votes to none, with 1 abstention.

Paragraph 3 was adopted by 13 votes to 1.

Article 52 as a whole was adopted by 13 votes to none, with 1 abstention.

80. Mr. MATINE-DAFTARY explained that he had abstained from the vote because he considered that paragraph 1 (b) might be applied to situations where the procedure described would be inadvisable.

ARTICLE 53 (*Non-discrimination*)

81. Mr. YOKOTA, Chairman of the Drafting Committee, said the Committee proposed that article 53 together with the article concerning the relationship between the draft and bilateral consular conventions should be included in a separate "chapter IV" entitled "General provisions".

The proposal of the Drafting Committee was agreed to.

Article 53 was adopted by 13 votes to none, with 1 abstention.

The meeting rose at 1 p.m.

574th MEETING

Tuesday, 28 June 1960, at 3.30 p.m.

Chairman: Mr. Luis PADILLA NERVO

Consular intercourse and immunities
(A/CN.4/L.86, A/CN.4/L.90 and Add.1) [continued]

[Agenda item 2]

PROVISIONAL DRAFT ARTICLES
(A/CN.4/L.90/Add.1) (continued)

1. The CHAIRMAN drew attention to the provisional draft articles of chapter III (Honorary consuls) prepared by the Drafting Committee (A/CN.4/L.90/Add.1).

ARTICLE 56 (*Legal status of honorary consuls*)

2. Mr. YOKOTA, Chairman of the Drafting Committee, commenting on the text prepared by the Committee, said that, in conformity with the Commission's decision (551st meeting, paragraph 81, and 559th meeting, paragraphs 50 and 51) article 56, paragraph 1, stated that chapter I, sections I and IV of the draft relating to consular intercourse and immunities (A/CN.4/L.90) were applicable to honorary consuls. Paragraph 2 enumerated the articles of that draft which were applicable to honorary consuls without any modification. It would be recalled that the Commission had decided that certain articles might be rendered applicable to honorary consuls with a few changes, and the Drafting Committee had thought that if those articles were simply omitted, the implication would be that they did

not apply to honorary consuls at all. Some members of the Drafting Committee had thought, however, that article 56, paragraph 3, in which those articles were enumerated, was unnecessary because those articles were replaced by articles 56 *a* to 57. Finally, as was explained in the note to article 56, the Commission had referred a decision on the applicability of certain articles to honorary consuls until the articles in question had been prepared by the Drafting Committee.

3. Mr. ŽOUREK, Special Rapporteur, said that, in his opinion, paragraph 3 was superfluous. In the first place, it did not lay down a rule of law but was in fact an explanatory note, stating that so far as their applicability to honorary consuls was concerned the articles in question were replaced by articles 56 *a* to 57. Such a note was unnecessary, inasmuch as the commentary to each article would contain the necessary cross-references. Secondly, the commentary to article 56 would make the position sufficiently clear; if any members of the Commission insisted, an explanatory note could be inserted before the commentary. Thirdly, in so far as paragraph 3 might be read to mean that the articles cited were simply replaced by articles 56 *a* to 57 it was misleading, for in reality the Commission had decided to draft those new clauses precisely because it considered that articles 27, 32, 35, 37, 39, 40 and 46 were only partially applicable to honorary consuls.

4. Mr. AGO could not agree with the Special Rapporteur that paragraph 3 was superfluous. Article 56 as a whole represented a kind of introduction to the subject of honorary consuls; the Commission had adopted a set of rules, with titles, relating to career consuls, and paragraphs 1 and 2 of the article stated that sections I and IV and certain articles of sections II and III of those rules applied equally to honorary consuls. If the article were to end there and the draft convention continued with a repetition of titles which already appeared in earlier sections, the reader would undoubtedly be confused, particularly since the articles regarded as partially applicable were also contained in sections II and III. Paragraph 3 was therefore essential for completing the framework of the article.

5. BARTOŠ agreed with Mr. Ago that paragraph 3 was necessary for an accurate interpretation of the article. It was essential to state in the clause itself that certain articles of the draft were wholly applicable to honorary consuls, while others were so applicable with modifications. It was sound legal draftsmanship to make such references in the text itself; that method was used to avoid ambiguity in texts containing a general regulation of certain matters and excepting others.

6. Mr. TUNKIN considered that the question was one of drafting rather than of substance, and from the point of view of drafting it would be more advisable to insert an explanatory note in the commentary, instead of the text of the convention. The instrument should state certain rules; the

statements in paragraphs 1 and 2 that certain articles were applicable to honorary consuls constituted such rules, but paragraph 3 differed essentially from those positive statements.

7. Mr. SANDSTRÖM thought that either of the proposed methods could be employed, but that there was some advantage in explaining the situation in the article itself, which would thus constitute an integral whole. Otherwise, the reader would be obliged to read through all the articles not mentioned in paragraph 2.

8. Mr. ŽOUREK, Special Rapporteur, thought that an explanatory note attached to the commentary would also offer the advantage to which Mr. Sandström had referred.

9. Mr. AGO reiterated his opinion that it would be illogical to leave the reader without any explanation concerning the partial applicability of the articles enumerated in paragraph 3 to honorary consuls. A note inserted in the commentary would not be enough.

10. Mr. TUNKIN said that if the articles which were partially applicable to honorary consuls were cited in the body of article 56, the new articles 56 *a* to 57 would be liable to be interpreted in the light of the partially applicable articles, which would be dangerous.

11. Mr. ERIM said he did not understand the reason for the differences in wording between paragraphs 2 and 3 of article 56; the former stated that certain articles in sections II and III should likewise be applicable to honorary consuls, while the latter stated that articles 56 *a* to 57 should apply to honorary consuls "as regards the matters dealt with in [the partially applicable] articles." The reason for the procedure used was not explained clearly enough. He proposed that paragraph 3 should state clearly that, for the propose of the matters dealt with in articles 27, 32, 35, 37, 39, 40 and 46, the provisions of articles 56 *a* to 57 would apply to honorary consuls. If that change were made, he would be able to vote for the inclusion of paragraph 3.

12. Mr. AGO said that Mr. Erim's amendment was acceptable to the Drafting Committee.

13. The CHAIRMAN called for a vote on paragraph 3 of article 56.

It was decided by 9 votes to 2 that paragraph 3, amended as proposed by Mr. Erim, should form part of article 56.

14. Mr. YOKOTA suggested that paragraph 3 should become the second sentence of paragraph 2. Otherwise, a reference to sections II and III of chapter I should be included in paragraph 3.

15. Mr. ŽOUREK, Special Rapporteur, drew attention to the basic legal difference between the two provisions, which, in his opinion, made their amalgamation impossible.

16. Mr. ERIM agreed that paragraph 3 should be kept separate from paragraph 2.

17. The CHAIRMAN put article 56 to the vote.

Article 56, as amended, was adopted by 11 votes to none, with 1 abstention.

18. The CHAIRMAN drew attention to the note to article 56, which stated that the Commission had deferred its decision on the applicability of certain articles of the draft to honorary consuls. He invited the Commission to consider the applicability of article 28 *a* (*Free movement*) to honorary consuls.

19. Mr. ERIM considered that the question of the applicability of the article to honorary consuls scarcely arose, since the right of free movement was a natural one for all citizens, and not only for consular officials, subject to an exception in the case of prohibited areas access to which was governed by special regulations.

It was decided by 8 votes to none, with 4 abstentions, that article 28 a should be applicable to honorary consuls.

20. Mr. ŽOUREK said he had abstained from voting because he had considered from the outset that article 28 *a* was unnecessary and might even be prejudicial to consuls.

21. The CHAIRMAN invited the Commission to consider the applicability of article 29 (*Freedom of communication*) to honorary consuls.

22. Mr. ŽOUREK, Special Rapporteur, observed that the Commission had gone as far as possible, and, indeed, much farther than existing practice, in extending rights and prerogatives to honorary consuls. He did not consider that article 29 should be applicable to such consuls, particularly in its present form. He doubted if in any State honorary consuls were free to use all the means of communication enumerated in the second sentence of paragraph 1; while some freedom of communication should be granted to enable the honorary consul to carry out his functions, he could not be given the full freedom conferred by article 29, for the simple reason that honorary consuls were not subject to disciplinary control in the same way as career consuls were. The Commission might consider at a later stage adding a new article concerning the freedom of communication of honorary consuls.

23. Sir Gerald FITZMAURICE said that what mattered was not the personality of the head of post, but the exercise of consular functions and the representation of the sending State. It was immaterial, for the purposes of freedom of communication, whether the head of post was an honorary or a career consul. No consular official could be expected to discharge consular functions without freedom of communication; such freedom, moreover, could have no value unless all the conditions set forth in article 29 were present. Furthermore, if a career consul were replaced by an honorary consul, as sometimes happened in practice, the functions performed did not change; but if article 29 were not rendered applicable to honorary consuls, such an official might find himself seriously

hampered in his work as representative of the sending State. A distinction could be made between the two categories in respect of certain personal privileges and immunities, but freedom of communication was essential to all consuls in carrying out their duties. He had never heard of any cases where differentiation in the matter of communications was made on the grounds of the honorary status of the head of post.

24. Mr. YOKOTA agreed that article 29 should apply to honorary consuls. It was made absolutely clear in the first sentence of paragraph 1 that it was only for official purposes that freedom of communication should be granted. And paragraph 2 expressly conferred inviolability on the consular correspondence only; no differentiation should be made between honorary and career consuls so far as official correspondence of the sending State was concerned.

25. Mr. TUNKIN said that the crucial question was: should abstract ideas or international practice be taken as a basis? If the latter approach, which he regarded as correct, were adopted, some differentiation must be made between an honorary consul and a career consul; in considering all the articles of the draft from the point of view of their applicability to honorary consuls, the Commission had undeniably proved that there were considerable distinctions between the two categories. It could begin now to proceed on the assumption that the consular system was in practice a single and indivisible institution. Sir Gerald Fitzmaurice had said that he had never heard of such a distinction in practice: he should refer to article 12 (3) of the Consular Convention of 1952 between the United Kingdom and Sweden, which clearly differentiated between career and honorary consuls in the matter of freedom of communication.

26. Mr. YASSEEN said that, although it was the practice of States to distinguish between honorary and career consuls in the matter of freedom of communication, he could find no logical basis for such a distinction. In conformity with the view that he had often defended in connexion with the status of honorary consuls, he thought that article 29 should be applicable to consulates headed by honorary consuls. The question was one of facilities granted to consulates, and not of privileges granted to consuls. Even if the applicability of article 29 to honorary consuls was not borne out by general practice, it could in any case be regarded as progressive development of international law to declare the article applicable to such consuls.

27. Mr. ŽOUREK, Special Rapporteur, observed that Sir Gerald Fitzmaurice had restated a thesis based entirely on British case-law. That thesis had originated at a time when, in the absence of relevant conventions, English case-law had not recognized consuls as entitled to any privileges or immunities. On that basis it had been easy to affirm that there was no difference between career consuls and honorary consuls, for neither had enjoyed any privileges. In his own opinion,

the great majority of honorary consuls did not head career consulates properly so-called, but used their personal staff to carry out their consular duties; the case when a career consul might be replaced by an honorary consul was so exceptional as to be academic. Career consuls were usually replaced as heads of post by other members of the career service. If it should happen that they were replaced by honorary consuls (though no concrete example had been cited to illustrate such a hypothetical event), a rule of general international law could not be based on so exceptional a case.

28. Several speakers had expressed the opinion that the facilities concerned were granted to the sending State, and not to the consul himself. It should be borne in mind, however, that all privileges and immunities were granted to the sending State for the performance of consular functions. It might be argued on that basis that all the privileges and immunities of career consuls should be extended to honorary consuls, but the Commission itself had not gone so far, and had refrained from granting many privileges and immunities to honorary consuls.

29. He agreed with Mr. Tunkin that the only approach to the question which was open to the Commission was to base itself on international practice in the matter. Even if the Commission should wish to propose a provision *de lege ferenda*, it should first inquire carefully how far governments were prepared to go in accepting such a development. While he had not been able to obtain all the available information on the matter, his researches led him to believe that no State would agree to allow an honorary consul to use diplomatic or other special couriers, the consular bag or messages in cipher. In his opinion, article 29 as it stood could not apply to honorary consuls, but a new text applicable to that category might be drafted.

30. Mr. BARTOŠ said that his approach to the matter was based entirely upon the consulate and the competence of consuls. Furthermore, he was of the opinion that, in general, honorary consuls had the same competence as career consuls. He could not agree with Mr. Tunkin and the Special Rapporteur that the assimilation of the two categories was academic; in practice, there were many cases where consulates consisted of both honorary and career officers, and the honorary consul in such cases was usually the head of post. The principal consideration was that of the operation of the consulate: if consular functions were to be protected, the consul's freedom of communication must not be hampered in any way.

31. While it was true that in the past honorary consuls had occasionally abused the facilities granted to them, it should be borne in mind that similar abuses had been practised even by ambassadors extraordinary and plenipotentiary. So long as a consulate was recognized as such, all the officers serving in it should enjoy freedom of communication. Official circles in his own country

recognized the principle that, if the institution of honorary consuls was accepted, all honorary officers, even if they were nationals of the receiving State, must be granted protection commensurate with the dignity of the sending State.

32. Mr. ERIM said there was no reason why the official communications of a consulate headed by an honorary consul should be denied protection. It would be impossible for a head of post to carry out the consular functions properly without such protection. The consequence of not rendering article 29 applicable to honorary consuls would be that the communications of an honorary consul with the government, the diplomatic missions and the other consulates of the sending State would not be confidential, free or protected; that would be manifestly absurd.

33. He had some doubts concerning the wording of article 29, although he had no concrete suggestions for an alternative. He was not quite sure, for example, whether an honorary consul should be allowed to use special couriers, the consular bag and messages in cipher; nevertheless, he was fairly convinced that the first sentence of paragraph 1 must be applicable to honorary consuls, in order to ensure the efficient performance of consular functions.

34. The CHAIRMAN, speaking as a member of the Commission, said that he would vote in favour of the applicability of article 29 to honorary consuls. It was a fact that a large number of consulates were in the charge of honorary consuls. Those consuls had to communicate with their governments, and any decision by the Commission to the effect that article 29 should not apply to honorary consuls would interfere with the discharge of their duties. It was for the sending State to decide whether an honorary consul might use a consular bag, for example, but, if the bag was used by such a consul, the mere fact that its sender or recipient was an honorary consular officer could not constitute grounds for interfering with the bag.

35. Mr. ŽOUREK asked for a separate vote on the applicability of the first sentence of article 29, paragraph 1, to honorary consuls. For his part, he was prepared to accept that provision as applicable to honorary consuls and suggested that the details which formed the subject matter of the remainder of the article be left to the States concerned. It would be going too far to apply those provisions as they stood to honorary consuls.

36. Mr. AGO said that freedom of communication, so far from being a personal privilege of the consul, affected the functions of the consulate as such: article 29 should therefore be declared applicable to honorary consuls. In the light of government comments, the Commission could decide at its next session whether the detailed provisions of article 29 required any adjustment to suit the requirements of honorary consuls. At the present stage, however, it was essential to mark the Commission's adherence to the principle of the freedom of communication of consul-

ates, regardless of whether they were in the charge of honorary or of career consuls.

37. Mr. SANDSTRÖM said that the question of messages in cipher was in reality a matter for the sending State. It was for the sending State to decide whether it wished to confide its cipher to honorary consuls or not.

38. Mr. BARTOŠ drew attention to the fact that a State usually had several ciphers and could well authorize its honorary consuls to use one of them:

39. Mr. ERIM suggested that the Commission might agree to render applicable to honorary consuls the first sentence of article 29, as had been proposed by the Special Rapporteur, while adding a provision along the following lines, to replace the remainder of the article as far as honorary consuls were concerned:

“For the purposes of such communication, the honorary consul shall also have the right to employ all means made available to him by his government.”

40. Sir Gerald FITZMAURICE doubted whether the text suggested by Mr. Erim would achieve the desired purpose. That text seemed to mean that an honorary consul could make use of any means of communication. It would place his sending State in a better position than if it had sent a career consul, since career consuls were limited to the means specified in article 29.

41. As to the substance of the matter, he urged the Commission to declare article 29 applicable to honorary consuls. Freedom of communication, as set forth in that article, was essential to the discharge of the consular function.

42. Mr. ŽOUREK, Special Rapporteur, said that Mr. Erim's suggested text would go much further than the second sentence of article 29, paragraph 1. It could be understood to mean that an honorary consul could communicate with his sending State by means of a radio transmitter, for example.

43. Mr. ERIM withdrew his suggestion, since it had not achieved the desired compromise.

44. The CHAIRMAN, in accordance with Mr. Žourek's request, put to the vote the applicability of the first sentence of paragraph 1 of article 29 to honorary consuls.

It was decided unanimously that the sentence should be applicable to honorary consuls.

45. The CHAIRMAN invited the Commission to vote on the question of the applicability of the remainder of article 29 to honorary consuls.

It was decided, by 11 votes to 1, with 1 abstention, that the remainder of article 29 should be applicable to honorary consuls.

It was decided, by 11 votes to 1, with 1 abstention, that article 29 as a whole should be applicable to honorary consuls.

46. Mr. ŽOUREK said that he had voted against the applicability of the remainder of the article, and of the article as a whole, to honorary consuls for the reasons explained during the discussion.

47. The CHAIRMAN invited the Commission to vote on the applicability to honorary consuls of article 30 (*Communication with the authorities of the receiving State*).

It was decided, by 9 votes to none, with 2 abstentions, that article 30 should be applicable to honorary consuls.

48. Mr. SANDSTRÖM said that article 30 a (*Communication and contact with nationals of the sending State*) was not mentioned at all in article 56 as prepared by the Drafting Committee (A/CN.4/L.90/Add.1). He proposed that article 30 a should be included among those declared applicable to honorary consuls in article 56, paragraph 2.

49. Mr. YOKOTA supported that proposal. The Drafting Committee had not mentioned article 30 a because that article had not yet been adopted by the Commission at the time when the Drafting Committee had drafted article 56.

50. Sir Gerald FITZMAURICE said that article 30 a clearly must be applicable to honorary consuls. Otherwise, nationals of the sending State who happened to be in a consular district in the charge of an honorary consul would be placed at a disadvantage as compared to those residing in districts in the charge of career consuls.

Mr. Sandstrom's proposal was adopted by 10 votes to none, with 2 abstentions.

51. Mr. ŽOUREK, Special Rapporteur, drawing attention to the note to article 56, said that the next question to be decided was the applicability to honorary consuls of paragraph 2 of article 40 (*Liability to give evidence*). That paragraph corresponded to the former paragraphs 2 and 3 of his original draft for article 40 (A/CN.4/L.86). The reference in the note in document A/CN.4/L.90/Add.1 to paragraphs 2 and 3 of article 40 should therefore be construed as referring to the present paragraph 2 only.

52. Mr. BARTOŠ asked for a separate vote on the first part of the paragraph (“the authority . . . his official duties”). He was prepared to accept the statement that the authority requiring the evidence of an honorary consul should take all reasonable steps to avoid interference with the performance of his official duties, but he felt that it would be going too far to suggest that arrangements should be made whenever possible for the taking of such testimony at the honorary consul's residence or office.

53. Mr. YASSEEN shared the view of Mr. Bartoš.

54. Mr. AGO agreed with Mr. Bartoš on the substance of the matter and suggested that, if only the first part of paragraph 2 were adopted, the Commission might consider incorporating its text into article 56 f (*Liability of honorary consuls to given evidence*).

55. Mr. EDMONDS said that he saw no reason to draw any distinction between honorary consuls and career consuls in the matter of liability to testify. The provision under discussion was intended to ensure the smooth conduct of the consular function, regardless of the person who exercised it.

56. The CHAIRMAN called for a vote on the question of the applicability to honorary consuls of the passage: "The authority requiring the evidence of a consular official shall take all reasonable steps to avoid interference with the performance of his official duties."

It was decided, by 10 votes to none, with 2 abstentions, that the passage should be applicable to honorary consuls.

57. The CHAIRMAN called for a vote on the applicability to honorary consuls of the remaining words of paragraph 2: "and shall, where possible and permissible, arrange for the taking of such testimony at his residence or office".

It was decided, by 5 votes to 3, with 4 abstentions, that the remainder of paragraph 2 should be applicable to honorary consuls.

58. Mr. BARTOŠ said that he had cast an adverse vote for the reasons he had stated during the discussion.

It was decided, by 8 votes to none, with 4 abstentions, that article 40, paragraph 2, should be applicable to honorary consuls.

59. Mr. ŽOUREK, Special Rapporteur, said that the Commission should next decide on the applicability of article 45 (*Obligations of third States*) to honorary consuls. Paragraph 4 of that article, which dealt with the consul's official correspondence in transit, was clearly applicable to honorary consuls. The first three paragraphs, however, were inapplicable to honorary consuls, who were usually chosen from among persons permanently resident in the receiving State.

60. Mr. EDMONDS said that he knew of cases where honorary consuls were not residents of the receiving State. Paragraphs 1, 2 and 3 should therefore apply to such consuls.

61. Mr. YOKOTA said that, subject to suitable drafting changes, paragraph 3 applied to honorary consuls. Third States should not hinder the transit through their territories of honorary consuls and members of their families. As to paragraphs 1 and 2, he did not believe that they applied to honorary consuls.

62. Mr. FRANÇOIS said that the question of the applicability of article 45 to honorary consuls could give rise to some difficulty. States which did not admit honorary consuls might, under that article, be obliged to give certain facilities to honorary consuls in transit to other countries which did accept them.

63. As to the substance, he agreed with Mr. Edmonds and felt that article 45 should apply to honorary consuls.

64. Mr. SANDSTRÖM said that even a State which did not accept honorary consuls would have to recognize the need for transit facilities for the benefit of honorary consuls accepted by other countries.

65. Mr. BARTOŠ thought that all the provisions of article 45 should be applicable to honorary consuls. Apart from the reason already stated — *viz.*, that an honorary consul might well not be a resident of the receiving State — he cited the practice of his country of inviting its honorary consuls to travel to Yugoslavia in order to become familiar with certain important developments. For example, a seminar of Yugoslav honorary consuls abroad had been organized in order to acquaint them with new rules of civil procedure which had been recently introduced. Recently, a seminar had also been arranged for honorary consuls on the question of tourist travel in Yugoslavia.

66. For those reasons, he considered that it was essential to give the sending State the possibility of arranging for the travel of its honorary consuls, even if nationals of the receiving State, for the purpose of consulting with the government for which they acted and of obtaining information and instructions. Transit facilities for such travel were necessary to the performance of the consular function itself.

67. The CHAIRMAN, speaking as a member of the Commission, said that if the Commission were to hold that articles 45 did not apply to honorary consuls in its entirety, it would be acting on the assumption that an honorary consul could never be a national of the sending State or of a third State, and also that if the honorary consul was a national of the receiving State, he was somehow debarred from travelling abroad. That assumption was patently wrong.

68. Accordingly, he considered that all the provisions of article 45 should apply to honorary consuls.

69. Mr. AGO said that he had at first had some doubts regarding the applicability of paragraphs 1 and 2, but that the reasons stated by the Chairman had convinced him that the whole of article 45 should apply to honorary consuls.

70. Mr. YOKOTA asked for a separate vote on paragraphs 1 and 2.

It was decided, by 9 votes to 1, with 1 abstention, that paragraphs 1 and 2 of article 45 should be applicable to honorary consuls.

It was decided, by 10 votes to none, with 1 abstention, that paragraph 3 and 4 of article 45 should be applicable to honorary consuls.

It was decided, by 9 votes to none, with 2 abstentions, that article 45 as a whole should be applicable to honorary consuls.

The meeting rose at 6.5 p.m.