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Summary record of the 583rd meeting

Topic:
Consular intercourse and immunities

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60. In answer to Mr. Matine-Daftary's question as to the purpose of paragraph 2, he said that its inclusion was important for theoretical and practical reasons because without the clause the draft would be too narrow in that it would then apply solely to the activity of consulates proper, not to that of consular sections of diplomatic missions.

61. His contention that the provisions in article 26 concerning the severance of diplomatic relations argued in favour of including paragraph 2 had not been rebutted. For instance, if State A had established in State B a diplomatic mission performing consular functions, and if State B had established in State A both a diplomatic mission and a consulate, then, in the event of the severance of diplomatic relations between the two, could it really be maintained that State B would continue to perform consular activities, whereas State A, whose mission would have been closed, would be compelled to discontinue them? The problems raised by such a case merited consideration. In the case in question, a solution observing the equality of States would seem to be called for.

62. With regard to Mr. Verdross's suggestion (para. 40 above), such a proviso already existed in article 4 and it would suffice to make reference to it in the commentary to article 2.

63. Mr. PAL considered that the proper place for a provision in the categoric form currently proposed by the Special Rapporteur as paragraph 2 of article 2 would have been the Vienna Convention. Any implication in that respect ascribed to article 3, paragraph 2 of the Convention was not tenable under any canon of construction applicable to that paragraph. If a provision on the lines of that contained in article 3, paragraph 2 of that Convention were acceptable, an analogous provision might perhaps be inserted in article 4 of the draft. He too considered that the Commission should not take a hasty decision.

64. Mr. ERIM said that he still remained to be convinced of the need for the paragraph 2 proposed by the Special Rapporteur and asked for a further explanation of its precise purport. He noted that article 3, paragraph 2 of the Vienna Convention referred to the exercise of consular functions, whereas the Special Rapporteur's paragraph 2 spoke of the establishment of consular relations.

65. In cases where neither diplomatic nor consular relations existed between two States, the establishment of the former surely did not necessarily entail establishment of the latter. If the meaning of paragraph 2 was that diplomatic missions could sometimes perform consular functions, he would have thought such a statement superfluous since that had never been in doubt. But from the legal point of view there was a great difference between the exercise of consular functions where consular relations already existed and the establishment of such relations, for which a specific and separate agreement between the two States was necessary.

The meeting rose at 1 p.m.

583rd MEETING

Thursday, 4 May 1961, at 10 a.m.

Chairman: Mr. Grigory I. TUNKIN

Consular intercourse and immunities
(A/4425; A/CN.4/136 and Add.1 to 9, A/CN.4/137)

[Agenda item 2]
(continued)

DRAFT ARTICLES (A/4425) *(continued)*

ARTICLE 2 (Establishment of consular relations) *(continued)*

1. The CHAIRMAN invited the Commission to continue its consideration of article 2 as proposed by the Special Rapporteur (A/CN.4/137).

2. Mr. VERDROSS, referring to the remarks of Mr. François (582nd meeting, para. 49) said that in his capacity as President of the Vienna Conference he had had to preside only at plenary meetings and had therefore not been present when article 3, paragraph 2 of the Vienna Convention on Diplomatic Relations (A/CONF.20/13) had been discussed in the Committee of the Whole and in the Drafting Committee of the Conference; he had nothing to add to what the Chairman had said (582nd meeting, para. 54) about the final compromise that had been reached. He understood the provision to mean that the Convention did not debar a diplomatic mission from exercising consular functions and that an express agreement between the two States for the purpose was not required. Conversely, however, it followed that, since the exercise of certain consular functions by diplomatic missions might conflict with the usage or legislation of the receiving State, the provision in article 3, paragraph 2 did not exclude such restrictions.

3. Mr. ŽOUREK, Special Rapporteur, replied in the affirmative to Mr. Erim's question (*ibid.*, paras. 64 and 65) whether the discharge of consular functions by a diplomatic mission *ipso facto* implied the establishment of consular relations. The right of a diplomatic mission to exercise such functions was indisputable and if consular functions could be performed, then by definition consular relations must exist, just as *mutatis mutandis* diplomatic relations existed if diplomatic functions could be performed. The principle was a fundamental one, because if neither diplomatic nor consular relations existed, there was no legal basis for the exercise of either diplomatic or consular functions.

4. He could not agree with Mr. Ago (*ibid.*, para. 42) that certain acts performed by diplomatic agents could be described as consular functions. That the two types of function were intrinsically distinct was proved by the difference between diplomatic and consular protection. For example, if rights under an international labour convention concerning the workers of the sending State

were denied to one of the sending State's nationals employed in the receiving State, it would be an act of consular protection to approach the local authorities in the matter; but if, local remedies having been exhausted, without redress, the matter were taken up with the Ministry of Foreign Affairs of the receiving State, such a step would be an act of diplomatic protection.

5. The scope of article 3, paragraph 2 of the Vienna Convention had been belittled. That text must be read in the context of the other provisions of the Convention, in particular the fifth preambular paragraph, which affirmed that " the rules of customary international law should continue to govern questions not expressly regulated . . .". Thus interpreted, the provision in question constituted, in relation to existing practice, clear and unequivocal confirmation of the right of diplomatic missions to exercise consular functions within the limits of their normal powers.

6. The CHAIRMAN, speaking in his personal capacity (*ibid.*, para. 54), and Mr. Verdross (*ibid.*, paras. 39 and 40) had replied to the questions raised concerning article 3, paragraph 2 in the Vienna Convention. That provision should, of course, be read in conjunction with the last paragraph of the preamble to the Convention; in the light of the practice of States it could not be interpreted otherwise than as confirming the generally accepted right of diplomatic missions to exercise consular functions.

7. Mr. ERIM said that the Special Rapporteur had not quite understood the purport of his question. He had wished to discover whether the mere act of establishing diplomatic relations implied that the two States concerned established consular relations, even if they made no express declaration to that effect. That seemed the only possible interpretation of the Special Rapporteur's wording as it stood.

8. The CHAIRMAN suggested that after the useful exchange of views which had taken place the Commission should defer its decision concerning article 2, paragraph 2 for a few days, as suggested by Mr. Ago (*ibid.*, para. 44) so as to give time for further reflection and informal discussion.

It was so agreed.

ARTICLE 3 (Establishment of a consulate)

9. Mr. ŽOUREK, Special Rapporteur, drew attention to the comments of governments (A/CN.4/136 and Add.3, 4, 6 and 9) and to his own proposal concerning article 3 (A/CN.4/137).

10. The United States (A/CN.4/136/Add.3) and Yugoslavia (A/CN.4/136) had both suggested that the definitions contained in paragraphs (7) and (8) of the commentary should be inserted either in article 3 or elsewhere in the text. He could accept that proposal: the appropriate place might be article 1, but that was a question which could be deferred.

11. Mr. YASSEEN said that he did not agree with the Special Rapporteur's proposal that paragraph 5 of the article should be deleted. The argument that the consul's exercise of consular functions in more than one State was a matter of concern only to the sending State was hardly tenable. Surely it was of concern also to the receiving State, for it largely depended on that State's relations with the third State and might affect those relations. The discussion at the Vienna Conference on the provision concerning the parallel situation in the field of diplomatic relations had revealed the desire of many States for greater clarity in the matter. The original text of article 5 of the Commission's draft articles on diplomatic intercourse and immunities (A/3859), referring to the absence of objection, had been amended to provide due notification of the receiving States in advance and the final text, article 5, paragraph 1 stipulated that " The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission . . . to more than one State, unless there is express objection by any of the receiving States." But that text was the result of a compromise, for some States had wished to go even further and require the express consent of all the States concerned. Although they were not absolutely identical, the position of consuls and that of heads of diplomatic missions had sufficient points in common to justify a similar stipulation in the draft under consideration.

12. The CHAIRMAN, speaking as a member of the Commission, said that manifestly the receiving State had the right to object to the foreign consul's simultaneous exercise of consular functions in a third State and was entitled to enforce its objection. But it was hardly necessary to stipulate expressly that the sending State had to secure the receiving State's consent in advance. Such a requirement would not be consistent with existing practice and might impede the development of consular relations. He was therefore in favour of deleting paragraph 5. The deletion would have the added advantage of forestalling any argument about the receiving State's right to object to any arrangements which the sending State might wish to make concerning the scope of the consul's functions.

13. Mr. SANDSTRÖM suggested that a provision should be inserted on the lines of that contained in article 5, paragraph 1 of the Vienna Convention.

14. Mr. BARTOŠ said that, although he agreed with the views expressed by the Chairman, he was not in favour of deleting paragraph 5.

15. The exercise of consular functions by a consul in more than one State had sometimes given rise to problems, particularly when there had been frontier changes between the two receiving States concerned and the sending State's action had been inspired by political motives and had been intended as a demonstration in favour of the original boundary lines.

16. Mr. ERIM considered that paragraph 5 should be redrafted in less categorical terms. As it stood, it was too restrictive and would require the prior consent of the first receiving State before the consul could begin to exercise functions in the third State.

17. Mr. VERDROSS advocated a provision on the lines of article 5, paragraph 1 of the Vienna Convention.

18. The CHAIRMAN pointed out that article 5, paragraph 1 of the Vienna Convention was wider in scope, since it related not only to heads of diplomatic missions but also to diplomatic staff. The clause under discussion should be restricted to consuls only. It appeared to be the general view that it should be revised and modelled on the provision in the Vienna Convention. He suggested that the Drafting Committee be instructed to prepare a redraft. The Drafting Committee might also consider whether the provision should form part of article 3 or, since it dealt with a rather different subject, be embodied in a separate article.

It was so agreed.

19. Mr. YASSEEN suggested that the Drafting Committee should also be asked to standardize the expression " mutual consent " in the draft.

20. Mr. ŽOUREK, Special Rapporteur, said that to judge by their comments some of the governments had evidently misunderstood the purpose of the words " Save as otherwise agreed " in article 3, paragraph 4. The Drafting Committee would have to bear in mind that they were meant to cover the case where a consul was empowered to exercise his functions outside his district by virtue of a bilateral agreement between the two States or of the existing articles, in particular articles 18 and 19.

21. Mr. FRANÇOIS asked what were the Special Rapporteur's views about the Netherlands Government's proposal (A/CN.4/136/Add.4) to transfer paragraph (3) of the commentary to the article itself.

22. Mr. ŽOUREK, Special Rapporteur, said that he would have no objection to that change since the Commission had endorsed the principle stated in paragraph (3) of the commentary.

23. The CHAIRMAN suggested that the Drafting Committee be instructed to prepare an appropriate text based on paragraph (3) in the commentary for inclusion in article 3.

It was so agreed.

24. Mr. ŽOUREK, Special Rapporteur, said that the additional paragraph proposed by the Japanese Government (A/CN.4/136/Add.9) was a most-favoured-nation clause. For the reasons he had given in his second report (A/CN.4/131, part II, para. 38), he did not consider such a clause appropriate in a multilateral convention; States would, of course, be free to include it in bilateral conventions.

Article 3 was referred to the Drafting Committee for amendment in the light of the discussion.

ARTICLE 4 (Consular functions)

25. Mr. ŽOUREK, Special Rapporteur, said that a number of governments had commented on the general character of the text adopted by the Commission for article 4 and it had been recognized that the version reproduced in the Commission's commentary provided a more detailed enumeration of consular functions.

26. He drew attention to the remarks of delegations in the Sixth Committee and to the written comments of governments (A/CN.4/137, *ad* article 4; A/CN.4/136 and Add.1 to 9).

27. With regard to the Indonesian delegation's remarks, he pointed out that the protection of nationals had always been understood as applying both to individuals and to bodies corporate (cf. his own observations in A/CN.4/137). Admittedly, there were wide divergencies in municipal law concerning the mode of determining nationality of bodies corporate: under the law of some countries, nationality was determined by the head office of the body corporate, under the law of others the place of incorporation was decisive, and under the law of yet others the decisive test was that of the nationality of the persons effectively controlling the company. It should be borne in mind, however, that similar divergencies existed in the rules for determining the nationality of individuals; some countries applied the *jus soli,* others the *jus sanguinis* and others yet a combined system. If questions of conflict of nationalities gave rise to a dispute, it should be settled by one of the pacific means for the settlement of international disputes, and possible difficulties in that regard did not constitute a cogent argument for limiting the scope of the article.

28. On the other hand, the scope of the consular functions could not be so broadened as to include stateless persons domiciled in the sending State among the persons to whom consular protection might be extended. If a special convention providing for such protection had been concluded between the two States concerned, stateless persons would, of course, be covered, but such a provision should not be included in the article. His opinion was confirmed by the fact that in order to determine the legal status of stateless persons, it had been necessary to conclude in September 1954, the Convention relating to the Status of Stateless Persons.

29. The main point to be settled was the form of the definition of consular functions. As the comments of governments were clearly in favour of an amplification of the general definition adopted at the Commission's previous session, he was proposing a redraft which added certain illustrative examples, which should not be regarded as in any way exhaustive, of typical consular functions (A/CN.4/137). Without some such amplification, the definition would be unduly abstract.

30. Mr. ERIM observed that the Special Rapporteur's new text of article 4 represented a compromise between several opinions expressed in the Commission at the eleventh and twelfth sessions. The Commission's text as adopted at the twelfth session should be amended only slightly, since a radical departure from that form would lead to interminable discussions on the consular functions. Paragraph 1 of the article, in particular, should be drafted in general and flexible terms.

31. He drew the Special Rapporteur's attention to the suggestion of the Government of the United States *concerning cases where a consul might be called upon*

to protect the interests of nationals of a third country if that country had broken off consular relations with the receiving State. Perhaps a reference to that function might be included in article 4.

32. Mr. ŽOUREK, Special Rapporteur, said there would be no difficulty in amending article 4 in the sense suggested by Mr. Erim, but that it might be unwise to go quite so far as that suggestion seemed to imply. Article 7 already provided that a consul could not carry out functions on behalf of a third State without the consent of the receiving State. That was a special case. If article 7 were retained, a very brief reference to that function in article 4 would suffice.

33. Mr. YASSEEN, referring to the form of the definition, said that general definitions were usually preferable to enumerations. Nevertheless, the case of article 4 seemed to be one in which a few illustrations might be useful. He reserved the right to give his views on each of the examples included by the Special Rapporteur, if the Commission decided to follow that method.

34. Mr. BARTOŠ said that, although he was inclined to favour the definition approved by the Commission at the twelfth session, he would not strongly oppose a majority decision in favour of a detailed enumeration. It was essential, however, that the Commission should decide which of the alternatives it preferred before it commented on the text. He had some observations to make both on the general and on the enumerative definition, which latter, incidentally, had not been studied in detail by the Commission.

35. Some comments of governments, especially those of the Government of the United States, should be studied in connexion with the Hague draft convention of 1960 dispensing with the legalization of foreign public documents,[1] which distinguished between legal, administrative, and notarized documents. It would be unwise to take a decision without examining that instrument, especially since it had been prepared by the Hague Conference on Private International Law, an intergovernmental organization having certain relations with the United Nations.

36. The CHAIRMAN invited comment on the type of definition to be given in article 4.

37. Mr. VERDROSS said that he would not oppose the inclusion of a few examples of consular functions, if the majority of the Commission wished such examples to be given in article 4. He would point out, however, that the article as it stood already contained a number of examples and was prefaced by a clause indicating that the enumeration was not exhaustive. Moreover, if further illustrations were added, two difficulties were bound to arise: in the first place, the Commission would of necessity spend considerable time discussing the merits of the examples, and, secondly, the article would become so cumbersome as to be unacceptable to many delegations at the forthcoming international conference on the subject.

38. Mr. SANDSTRÖM, agreeing with the previous speaker, said that if an opportunity were offered to add to the existing enumeration, there would be no logical end to the proposals that could be made. In any case, all the necessary examples were already given in the commentary.

39. Mr. PAL considered that a general definition was preferable, in order to keep the article as flexible as possible. The term " consular functions " was well known to the international community at large. Prospects of any definition, by enumeration or otherwise, to capture the whole concept, were nil. The purposes of clarity and certainty would be sufficiently served by a definition of the kind adopted for diplomatic intercourse. He suggested that article 4 should be recast along the lines of article 3 of the Vienna Convention.

40. Mr. PADILLA NERVO said that he was in favour of a general definition. The enumeration in the Special Rapporteur's third report mentioned a number of functions concerned with the consul's action vis à vis his own government; if the definition were expanded, it would be wise to refer only to consular functions in the territory of the receiving State. Otherwise, the article would be unnecessarily burdened with references to matters governed exclusively by the municipal law of the sending State. Moreover, some of the items in the Special Rapporteur's detailed definition, such as providing assistance to nationals in need and, where appropriate, arranging for their repatriation, related to functions which could not be exercised without special instructions. Accordingly, he preferred a general definition and, if the majority of the Commission decided to amplify the article, he would stress that only consular functions producing their effects in the receiving State should be mentioned.

41. Mr. AMADO fully agreed with Mr. Padilla Nervo's remarks. The enumeration, like most enumerations, omitted many important functions and included such absolutely unnecessary ones as furthering trade and promoting commercial and cultural relations and reporting to the government of the sending State on the economic, commercial and cultural life of the consular district. If a general definition were adopted, he agreed with Mr. Pal that the words " *inter alia* " should be included in the introductory clause.

42. The CHAIRMAN, speaking as a member of the Commission, considered that the definition should be neither too general nor too detailed. An unduly general definition might be of little value in a draft on consular intercourse and immunities, which differed from diplomatic intercourse and immunities in that the problems concerned were much narrower in scope and less important. Consuls dealt with many specialized problems, some of which were relatively insignificant; it would therefore be inadvisable to adopt a definition conforming too closely to article 3 of the Vienna Convention. On the other hand, an attempt to elaborate the details might also be unsuccessful, in view of the variations in law and practice from country to country. A compromise solution should therefore be sought, and the Special

[1] *Nederlands Tijdschrift voor Internationaal Recht*, vol. VIII (1961), January 1961, pp. 98 *et seq.*

Rapporteur's latest draft of article 4 struck a happy balance.

43. It was not quite clear whether the members who preferred a general definition had in mind the text as reproduced in the report on the Commission's twelfth session (A/4425); the consensus of the Commission seemed to be that the article should not be strictly general, but should contain a few examples.

44. Mr. SANDSTRÖM and Mr. VERDROSS confirmed that, in referring to a general definition, they had meant the text approved by the Commission at its twelfth session.

45. Mr. MATINE-DAFTARY said it was essential to bear in mind the true character of the consular function. A consul was not a representative of the sending State, but an official acting within the limits of the powers vested in him by his government. He entirely agreed that sub-paragraphs (e) and (f) embodied an exaggerated conception of the role of consuls. A consul was chiefly concerned with the protection of the interests of his nationals with regard to their family life and to the activities which they could lawfully carry on in the receiving State.

46. It would serve no useful purpose to give a detailed enumeration of the functions of consuls. A consul could perform certain functions only if he were given the power to do so by the sending State; mentioning those functions in article 4 would not cover the point. Of course, functions vested in the consul by the sending State could be exercised only to the extent allowed by the law of the receiving State.

47. In the light of those considerations, he suggested that paragraph 1 should begin by emphasizing that consuls exercised the functions which were vested in them by the sending State and which could be exercised without breach of the law of the receiving State. The paragraph could go on to mention, by way of example, the functions set forth in sub-paragraphs (a), (b) and (c).

48. Mr. ŽOUREK, Special Rapporteur, pointed out that the draft articles were intended to take the form of a multilateral convention. That convention would constitute the framework within which normal consular functions would be exercised. Outside that framework, the sending State could grant its consul more extensive or less extensive powers, provided that the exercise of them did not conflict with the legislation of the receiving State.

49. He recalled that he had submitted a more elaborate description of the consul's ordinary functions in response to government comments. Some governments, including many of those prepared to accept a general definition, had indicated a preference for a more detailed description of the functions mentioned in sub-paragraphs (a) to (f) as approved at the twelfth session. For example, sub-paragraph (c), which simply stated that a consul could act as notary and registrar, and exercise other functions of an administrative nature, was not very informative to a person not well versed in consular law. It was for that reason that he had proposed in his third report the insertion of the examples given in sub-paragraphs (c) (aa) to (hh) (A/CN.137).

50. The examples included in his third report had been partly taken from government comments, but any that were not acceptable to other members of the Commission could easily be omitted. Similarly, other examples could be added, if members so wished. The enumeration was in no case exhaustive.

51. The CHAIRMAN said that the discussion had shown that the Commission was practically unanimous in favouring a general definition, accompanied by some examples given for the purpose of clarification. He therefore took it that the Commission agreed to proceed to the discussion of the substance of article 4 on the basis of the 1960 draft, together with the proposals of the Special Rapporteur.

It was so agreed.

52. In reply to Mr. ERIM, Mr. ŽOUREK, Special Rapporteur, said that the comments of governments would be taken up in connexion with the sub-paragraphs to which they related.

53. The CHAIRMAN invited consideration of the opening sentence of article 4, paragraph 1.

54. Mr. MATINE-DAFTARY recalled his suggestion that the sentence should begin with some such words as " A consul exercises the functions vested in him by the sending State . . .".

55. Mr. FRANÇOIS said that the formula proposed by the Netherlands — " To the extent to which . . . " — (A/CN.4/136/Add.4) would meet the point raised by Mr. Matine-Daftary.

56. Mr. BARTOŠ said that the discussion had raised two different questions. First, the question of a general framework within which consular functions were to be exercised. Second, that of the actual authority to perform certain functions. The general framework would be laid down by the draft articles and by any relevant agreement in force, such as a regional or bilateral consular convention. The actual authority to perform certain functions was dependent on two factors: (1) the power given to the consul to perform those functions, either in general terms by the legislation of the receiving State, or by a specific authorization from his government; (2) the fact that the receiving State had no objection to the functions in question being performed. In regard to the latter point, if the receiving State had agreed in an international convention that certain functions could be performed, it was bound to respect that undertaking and allow them to be exercised.

57. For those reasons, he favoured the language of the first sentence of paragraph 1 as it stood; it specified the framework within which a consul exercised his functions, to the extent to which those functions were vested in him by the sending State. The sending State could not, of course, go beyond the limits laid down by the general framework specified in the draft articles as a whole.

58. Mr. YASSEEN said that paragraph 1 should place the emphasis on defining the limits of consular func-

tions. Within those limits, the sending State could vest greater or lesser powers in its consul. In addition, the sending State could give its consul other powers, provided, of course, that the receiving State had no objection.

59. He considered that the content of the consular function could be defined only by international law; that content could not depend merely on the instructions given by the sending State.

60. Mr. ERIM drew attention to the comments of Finland (A/CN.4/136), to the effect that article 4, paragraph 1 was too broad and that some further general restrictions were desirable. Finland was the only State to have made such a comment.

61. Article 4, paragraph 1 was satisfactory in that it retained the idea of mutual consent in the matter of the delimitation of consular functions. The provision laid down two general restrictions: first, any extension by the sending State of the powers of its consul beyond the prescribed limits required the consent of the receiving State; second, the functions set forth in sub-paragraphs (a) to (f) were described as those " ordinarily exercised by consuls ". Under the first of those restrictions, it was possible for a receiving State to limit the functions of consuls, provided that it did so without breach of the provisions of the draft articles.

62. His preference went to paragraph 1 as it stood in the 1960 draft.

63. Mr. MATINE-DAFTARY said that the views expressed by Mr. Bartos on the one hand and by Mr. François and himself on the other could be reconciled by drafting the first sentence of the paragraph along the following lines:

" Subject to any relevant agreement in force, a consul exercises within his district such functions vested in him by the sending State as can be exercised without breach of the law of the receiving State."

64. Mr. BARTOŠ said that Mr. Matine-Daftary's proposal was acceptable.

65. The CHAIRMAN, speaking as a member of the Commission, said that the rule set forth in paragraph 1 had always been understood to be permissive, not mandatory, for the sending State. That State was under no obligation to authorize its consul to exercise all the specified functions. The provision meant simply that within the specified framework the sending State could choose the functions which it wished to vest in its consul.

66. The position of the receiving State was different. The rule in question imposed an obligation upon that State to permit the exercise of the specified functions.

67. That being so, a provision which merely stated that a consul could perform such functions, vested in him by the sending State, as could be exercised without breach of the law of the receiving State would have little value as an objecive rule of international law.

68. Mr. AMADO expressed surprise at the Finnish Government's comment that the terms of paragraph 1 were too broad. That paragraph specified two restrictions: first, that the functions should be those vested in the consul by the sending State; second, that it should be possible to exercise those powers without breach of law of the receiving State.

69. He would reiterate that the definition of the consular functions should be couched in general terms and be followed by a few examples, leaving out those which suggested an unduly general and important role, such as those set forth in sub-paragraphs (e) and (f). Whereas a diplomatic agent exercised broad functions throughout the territory of the receiving State, a consul exercised only limited functions within a small district.

The meeting rose at 1.5 p.m.

584th MEETING

Friday, 5 May 1961, at 10 a.m.

Chairman: Mr. Grigory I. TUNKIN

Welcome to new member

1. The CHAIRMAN welcomed Mr. André Gros, whose experience and knowledge would, he was sure, make a valuable contribution to the Commission's work.

2. Mr. GROS, thanking the Chairman for his kind words of welcome, said that it would be a great honour for him to participate in the work of the Commission, although it was difficult for him to imagine that he could in any way replace his eminent teacher, the late Mr. Georges Scelle. He knew that Mrs. Scelle had deeply appreciated the tribute rendered to the memory of Professor Scelle at the opening meeting of the session.

3. Mr. LIANG, Secretary to the Commission, said that he had received a letter from Mrs. Scelle in reply to his telegram conveying the tributes paid by the Commission to the late Mr. Scelle. She thanked the Commission for its message and recalled her husband's long and close association with its work.

Consular intercourse and immunities
(A/4425; A/CN.4/136 and Add.1-9, A/CN.4/137)

DRAFT ARTICLES (A/4425) (*continued*)

[Agenda item 2]
(*continued*)

ARTICLE 4 (Consular functions) (*continued*)

4. The CHAIRMAN invited the Commission to resume its consideration of article 4 of the draft on consular intercourse and immunities (A/4425).

5. Mr. YASSEEN said that the itemization of consular functions in an international convention would give rise to international obligations as between the parties. The