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## THE ROLE OF HONORARY CONSULS IN MODERN DIPLOMATIC RELATIONS

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### **Abstract**

The consuls, official representatives of the government of one country acting on the territory of another country, generally are appointed due to several reasons: to aid and protect the citizens of the consul's country; to encourage and facilitate the economic relations between both countries; to encourage and aid the growth of the culture between both countries, and more. According to this, the role of the consuls differs from the one of the ambassadors in today's diplomatic relations. Additionally, the distinction of the consuls can be seen from a point that they have very limited privileges and immunity comparing to the ambassadors. Namely, the consular positions are limited comparing to the diplomatic representatives, not only in terms of their function (consular representation as a rule act on their duties only in their district), but in their nature as well (for instance, the consular representatives fundamentally do not have similar political positions which is the case with the diplomatic representatives).

The subject of this paper is analysis of the consular representatives' role in today's modern state of affairs. In terms of methods, the authors will apply the normative method, the comparative method, as well as the historical method. The main goal of this paper is to do academic research with regards to the evolution of the consuls' role, as well as the future challenges and perspectives of this title.

**Keywords:** *consuls, privileges, immunities.*

## **INTRODUCTION**

The institution of honorary consul (*consul ad honorem*) has its roots in ancient times. Some authors, for modern beginnings of honorary consuls, point to the institution of the Ancient Greek proxenos (Lateiner Donald and Crawley Richard 2006, p. 33-34), who was usually a wealthy merchant with socio – economic ties with another city and had a public function of protecting its citizens. Nowadays, many states engage a local resident, particularly in outlying areas of a receiving state, to perform consular work on a part-time basis. Such a person, called an “honorary consul,” may even be a national of the receiving state. An honorary consul may have some connection in her or his background to the sending state. Honorary consuls typically practice a profession of their own and work out of the office they use in that profession. Consuls, whether career or honorary, are responsible for a given territory (Quigley J., Aceves W. and . Shank A. 2009, p.28).

Consular privileges and immunities are advantages and interests which are provided to the heads of consular missions, consular officials and consular employees to perform their consular functions, during their acting on the territory of another country. The specificity of the consular positions is a well-known limitation of privileges and immunities comparing to those of the diplomatic representatives. Namely, the consular positions are limited comparing to the diplomatic representatives, not only in terms of their function (consular representation as a rule act on their duties only in their district), but in their nature as well (for instance, the consular representatives fundamentally do not have similar political positions which is the case with the diplomatic representatives).

## **PRIVILEGES AND IMMUNITIES OF HONORARY CONSULAR REPRESENTATIVES**

According to the Vienna Convention on Consular Relations, the honorary consular officials have several facilities, privileges and immunities: protection of the consular premises, exemption from taxation of consular premises, inviolability of consular archives and documents and exemption from customs duties.<sup>117</sup> Additionally, honorary consular officials may exercise several other

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<sup>117</sup> Article 58 paragraph 1 from the Vienna Convention on Consular Relations

privileges and immunities in the same manner as career consular officers, which are introduced by article 58 paragraph 2. This kind of privileges also will be discussed in the paper. Privileges and immunities provided for the honorary consular officials are not accorded to their family members.

a) Protection of the honorary consular premises

The issue of protection of the honorary consular premises, within modern consular relation, is not disputable. The differences that may be occurred, in this respect, are whether the protection of the consular premises should be determined in absolute or in relative manner.

The most common opinion is that the authorities of the receiving state may enter the premises of the honorary consulate only with the consent of the honorary consul or a person authorized by him or with the permission of the head of the diplomatic mission of the sending state. In this respect, Vienna Convention states that:

*“ the receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity. ”*<sup>118</sup>

b) Exemption from taxation of honorary consular premises

Consular premises of a consular post headed by an honorary consular officer of whom the sending State is the owner or lessee, under the Vienna Convention are exempted from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.<sup>119</sup>

c) Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer, according to Vienna Convention, are inviolable at all times and wherever they may be. The consular archives and documents

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<sup>118</sup> Article 59 from the Vienna Convention on Consular Relations

<sup>119</sup> Article 60 from the Vienna Convention on Consular Relations

should be kept separate from other papers and documents and from the private correspondence of the head of a consular post.<sup>120</sup>

d) Exemption from customs duties<sup>121</sup>

Article 62 from the Vienna Convention states as follows:

*“The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.”*

## **COUNSUL AD HONOREM ACCORDING TO THE MACEDONIAN LEGISLATION**

Honorary consuls appointed by the Macedonian Government are local people living in the receiving state, who enjoy reputation and trust in it. They are not carrier officials.

According to the article 61 from the Law on Foreign Affairs<sup>122</sup>, the Government, at the proposal of the Minister for Foreign Affairs, appoints an honorary consular official. The Honorary consul performs tasks determined by the instruction of the Minister for Foreign Affairs. The Honorary consul works in accordance with the instructions and under the supervision of the head of the diplomatic-consular mission department. Honorary consul has an obligation to give a report about its activities in front of the competent diplomatic-consular mission and in the same time to coordinate its work with it.

The public appearances of the Honorary consul are in accordance with the Ministry guidelines. The Honorary consul provides the means for the functioning of the consular office, while the Ministry for Foreign Affairs provides a flag, coat of arms, a sign with the consular official name and seals.

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<sup>120</sup> Article 61 from the Vienna Convention on Consular Relations

<sup>121</sup> Article 62 from the Vienna Convention on Consular Relations

<sup>122</sup> Official Gazette of Republic of Macedonia, 103/2015, 22.06.2015

The Republic of North Macedonia had appointed twenty tree Honorary Consuls until now, in the following states: Republic of Austria, the Kingdom of Belgium, State of Israel, Canada, the Italian Republic, The Principality of Lichtenstein, the Kingdom of Norway, Republic of Turkey, Republic of Romania, the Kingdom of Sweden, The Swiss Confederation, Federal Republic of Germany, United States of America, Republic of Indonesia and Republic of India.<sup>123</sup>

On the other side, there are forty honorary consuls appointed by the different states around the world on the territory of the Republic of North Macedonia.<sup>124</sup>

## **THE ROLE OF THE CONSUL AD HONOREM IN MODERN DIPLOMATIC RELATIONS**

For both career and honorary consuls, assistance to sending-state nationals is a major activity. The scope of functions is typically greater for career consuls than for honorary consuls. In general, however, certain functions are typical. A consul may provide advice and information to sending-state nationals who seek to do business in the receiving state. Consuls attest to the validity of documents issued in the receiving state that a national may need to use in the sending state (Quigley J., Aceves W. and. Shank A. 2009, p.29).

As a general rule, honorary consuls have two main tasks:

- 1) development of economic, scientific and cultural relations between countries (in particular, promoting commerce in both directions) and
  - 2) protection of the interests of their sending State and their citizens.
- The honorary consul does not receive any remuneration from his sending country and is usually an entrepreneur or public servant who has close links with the country to be represented. It is a serious advantage for a country that chooses honorary consuls to represent its citizens. However, the functions of the honorary consul may be extended or reduced as necessary (Grasis J. 2019, p.2).

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<https://www.mchamber.mk/upload/Spisok%20na%20pocesni%20konzuli%20na%20RM%20Ovo%20stranstvo.pdf>

<sup>124</sup> <https://dw3yoh98rrmk.cloudfront.net/276fca3ef23b45018099b1d96e5bb26e.pdf>

## CONCLUSION

The honorary consuls, unlike the career consuls, do not receive a salary from the state that appoints them. The career consul must be a citizen of the state he/she is nominated for, while the honorary consul can also be a citizen of the receiving state or even a third state citizen.

The functions and competences of the honorary consuls are much more limited compared to those of the career consuls. At this point, honorary consuls are mostly engaged with economic, cultural, and scientific cooperation between the two states, as well as with helping the citizens of the state of appointment.

In modern diplomatic practice, the institute of the honorary consul is not accepted by all states and therefore do not appoint this kind of consuls to other states. However, the institute of honorary consuls is introduced and well-determined by the Vienna Convention on Consular Relations, which states that each state independently decides whether to appoint and accept the institute of honorary consul.

The Republic of North Macedonia accepts the institution of honorary consuls, and so far, there are thirty-nine appointed honorary consuls by the Macedonian Government. Macedonian honorary consuls are persons with foreign citizenship and domicile, who enjoy a huge reputation and trust in their local community. Primarily, their main activities are to promote and protect Macedonian interests, especially in the field of economy, tourism, and culture. According to the diplomatic practice, there are no financial implications of their work to the budget of the Republic of North Macedonia. In this regard, the Macedonian Government had also appointed an economic promoter in nearly thirty states in the world.

## REFERENCES

1. Donald Lateiner, Richard Crawley, *The History of the Peloponnesian War by Thucydides*, Barnes & Noble Classics, 2006, 33-34
2. Janis Grasis, Legal status of the honorary consular officers: Theory and practice in Latvia, Faculty of Law, Riga, Latvia, SHS Web of Conferences 68, 01023 (2019), Int. Conf. SOCIETY. HEALTH. WELFARE. 2018, <https://doi.org/10.1051/shsconf/20196801023>, p.2
3. John Quigley, William J. Aceves and S. Adele Shank, *The Law of Consular Access, A documentary guide*, Taylor & Francis e-Library, 2009, p. 28

4. Vienna Convention on Consular Relations, done at Vienna on 24 April 1963, entered into force on 19 March 1967, United Nations, Treaty Series, vol. 596, p. 261
5. Law on Foreign Affairs, Official Gazette of Republic of Macedonia, 103/2015, 22.06.2015
6. <https://www.mchamber.mk/upload/Spisok%20na%20pocesni%20konzuli%20na%20RM%20vo%20stranstvo.pdf>
7. <https://dw3yoh98rrmk.cloudfront.net/276fca3ef23b45018099b1d96e5bb26e.pdf>