

## **Guidelines for Honorary Consuls**

( Approved by Board of Directors of FICAC at its meeting in Milan on 21 May 2010)

The Board of Directors of FICAC ( World Federation of Consuls)at its meeting held in Milan ( Italy) on 22 May 2010 -

### **Noting:**

that many Governments have laid down Code of Conduct/Ethics for their diplomatic service officers including Career Consuls ,

### **has agreed**

to the "Guidelines for Honorary Consuls", as follows, for the Honorary Consuls who are affiliated to FICAC ( World Federation of Consuls) :

### **General**

Honorary Consuls should work within the letter and spirit of Vienna Convention on Consular Relations 1963 and fulfil their duties and obligations as laid down in the Convention honestly, responsibly, fairly, justly and equitably.

Honorary Consuls shall not enter upon their duties until they have received exequatur or approval from the receiving State.

Honorary Consuls may fly the national flag of sending State on their means of transport only when these are used on official business and with due regard to the laws, regulations and usages of the receiving State.

The national flag of the sending State and its coat-of-arms may be displayed on the building occupied by the consular post and at the entrance door thereof and on the residence of the Honorary Consul

Honorary Consuls shall not exercise their functions outside their consular districts except with the consent of the receiving State.

Honorary Consuls shall not levy in the territory of the receiving State fees and charges for consular acts except those authorized by the laws and regulations of the sending State .

### **Protection of Honorary Consuls**

The receiving State is under a duty to accord to an honorary consular officer such protection as may be required by reason of his official position.

### **Exemption from taxation**

An honorary consular officer is exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

### **Respect for laws**

Honorary Consuls shall respect and comply with the laws and regulations of the receiving State. They shall not interfere in the internal affairs of that State.

Honorary Consuls shall show respect for international law and human rights.

### **Criminal offences**

Honorary Consuls are not immune from arrest or detention. However, should they be arrested, detained or prosecuted, they have the right to have this fact promptly notified to the sending State.

If criminal proceedings are instituted against an Honorary Consul, he/she must appear before the competent authorities. Nevertheless, the proceedings are required to be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him are required to be instituted with the minimum of delay.

### **Immunity from jurisdiction**

Consular officers and consular employees are not amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions. This immunity shall, however, not apply in respect of a civil action either:

- (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
- (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

Consular immunity does not apply to traffic or parking offences committed by Honorary Consuls. Honorary Consuls are expected to co-operate with traffic police in the enforcement of traffic laws.

### **Consular premises**

The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

Only such parts of Consular premises are inviolable as are used exclusively for the purpose of the work of the consular post. The authorities of the receiving State shall not enter such parts except with the consent of the head of the consular post. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

The receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

Offices of other institutions or agencies may be installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post.

### **Consular archives & documents**

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

### **Customs Duty**

Exemption from customs duties is granted only to specified articles imported for the consular post's official use, such as coats of arms, flags, signboards, seals and stamps, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post. Neither Honorary Consuls nor posts headed by them may purchase motor vehicles free of customs duty or other taxes, unless so authorized by the receiving State

### **Employment**

If an Honorary Consul wishes to take up employment with a foreign State, or with another government agency or an international organization, he/she should notify the sending State and receiving State accordingly.

Honorary Consuls should not hold an office of profit with the government of the receiving State.

### **Citizenship**

Honorary Consul should notify both the States if he/she assumes another citizenship.

## **Family and staff members**

Except where otherwise provided in the Vienna Convention or notified by the receiving State, privileges and immunities granted to Honorary Consuls do not extend and should not be extended to members of their families or to the staff working in their Consulates.

The Foreign Office of the receiving State should be notified in advance of long term absences or retirement of Honorary Consuls.

Honorary Consuls should not authorize administrative or other staff in the Consulate or non-accredited persons to act for them in their absence.

## **Conflict of interest**

Honorary Consuls should put the obligations of consular service above their personal interests. Should there be a conflict between an Honorary Consul's self-interest and duty towards the sending or receiving State or towards any responsibility or function under FICAC ( World Federation of Consuls ), the matter should be disclosed to the appropriate authority or functionary.

## **Politics**

Honorary Consul should be apolitical in their words and deeds. They should not act or use official resources in a way that betrays bias in favour or against a political party of the receiving or sending State

Honorary Consuls should not join any political party in the receiving State or take active part in the affairs or programmes of any such political party.

## **High standards of conduct**

Honorary Consul should maintain high standards of conduct in the performance of their functions. Honorary Consuls are expected to be truthful in word and act.

Honorary Consuls should not:

- misuse their official position, use information acquired in the course of official duties to further their private interests or those of others;
- accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise their personal judgement or integrity;
- disclose official information without authority;
- be influenced by improper pressures from others;

- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

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