

**The Honorary Consul in International Law: a vital foreign policy tool in need of modernisation and reform**

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**Abstract**

*The honorary consul has a storied past which has been intertwined with consular affairs since antiquity. In today’s multipolar and interconnected world, the honorary consuls have found their position within the fabric of consular and diplomatic intercourse, allowing the institution to acclimatize amidst the political and social milieu of international affairs and foreign policy.*

*The institution of the honorary consul has thrived on the fringes of public policy, diplomatic and consular intercourse. However, non-state actors, the outsourcing of public and consular functions, and the centralization of consul services through virtual offices are becoming the new norm: does the honorary consul institution require modernization and reform in order to survive?*

*As a research-based thesis, the intent is to make an original contribution to the academic and legal community, on a little known yet highly significant diplomatic function. Academic and legal scholarship has not given significant attention to the legal and diplomatic function of the honorary consul, yet their prominence within the Vienna Convention on Consular Relations (1963), as well as the fact that over 20,000 honorary consuls are serving worldwide, warrants a tailored research paper. A particular focus is needed on the immunities and privileges afforded to honorary consul within international codified law and the use of the honorary consul model in contemporary diplomatic and interstate intercourse.*

*The qualitative research study in cooperation with the Ministry of Foreign Affairs Hungary will provide research data from a wide spectrum of serving honorary consuls, supporting the basis of the thesis, and allowing for further insight into key reforms to the honorary consul model. The complete study is provided in the annex of this paper. The research data collected for this thesis provides insight into the diverse range of individuals serving as honorary consuls.*

*This thesis examines the honorary consul model and the challenges on sovereign nations and foreign policy strategy when utilizing honorary consuls to support national mandates. It identifies the unconventional nature of the post and the wide spectrum of those appointed, their mandated role and the acceptance within the diplomatic community. This thesis sheds light on the unique nature of the institution and questions the need for reforms and a coherent strategy for their presence in modern diplomatic intercourse and function.*

*Ultimately, this thesis questions and challenges the diplomatic, legal and academic community regarding reforms and the potential requirement for standardized training and capacity programs, in order for the honorary consul model to ascend to a higher level of status and acceptance within the evolving diplomatic ecosystem of contemporary consular and interstate intercourse.*

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**Glossary**

**FCO** Foreign and Commonwealth Office. The United Kingdom Department of State responsible for the conduct of Britain's foreign policy. Created on 17 October 1968 on the merger of the Foreign Office and Commonwealth Office.

**FO** Foreign Office. The United Kingdom Department of State responsible for the conduct of Britain's foreign policy until 17 October 1968 when it merged with the Commonwealth Office to form the Foreign and Commonwealth Office.

**ICJ** International Court of Justice. Principal judicial organ of the UN established in 1945 to deal with contentious cases between States.

**ILC** International Law Commission. United Nations organisation established in 1947 for the promotion of the progressive development of international law and its codification.

**VCCR** Vienna Convention on Consular Relations 1963.

**VCDR** Vienna Convention on Diplomatic Relations 1961.

**VFS Global**  Visa Facilitation Services Global

**Honorary Consul Survey** Survey of honorary consul representation in Hungary working in cooperation with the Hungarian Ministry of Foreign affairs, carried out in 2019

**FICAC** World Federation of Consuls/Fédération Internationale des Corps et Associations Consulaires (French)

## Chapter 1: Introduction

Conceptually the honorary consul model is intriguing for practitioners of law and academics alike. By definition the honorary consul is a “private citizen who is appointed by the sending state to handle consular matters in a receiving state.”[[1]](#footnote-2) The notion of someone to represent a nation without a degree in foreign service or professional qualifications, while still keeping their “day job” is a role-playing act of the highest proportions - in my own words, a “barrister by day, amateur diplomat by night.” The idea of being able to represent the state affairs of a far-off nation as a part-time occupation is an honour, but the role of the honorary consul is not just for show and status. Agree or disagree with the institution, their presence and place in contemporary foreign policy and interstate dialogue is established and worthy of further academic analysis.

This thesis will explore the integral role honorary consuls play in modern diplomacy and the honorary consul’s unique disposition compared to other honorific titles bestowed on citizens. For example, the role of *doctor honoris causa* (“for the sake of honour”) is a purely honorific title, with no practical functions or duties.[[2]](#footnote-3) The honorary consul has specific employable functions that support the foreign policy of nation states. This thesis will incorporate the views of notable scholars such as Lee, Berridge, Stringer, Denza and Nicholson, who argue and provide substantive evidence that the honorary consul is a necessary part of consular intercourse, in particular by small nations and developing nations. However, even nations with “traditionally large merchant fleets”, would depend heavily on the honorary consul for the furtherance and provision of consul function.[[3]](#footnote-4)

Despite their extensive use, the honorary consul has been correctly described as a “historically amorphous group”, which has avoided scrutiny and significant judicial oversight since its inception.[[4]](#footnote-5) This does not mean the institution and placement of the honorary consul has not faced criticism, for example the League of Nations Committee of Experts for the Progressive Codification of International Law, in a highly referenced report drafted in 1927, called for the abolishment of the institution all together.[[5]](#footnote-6) The polarised opinions by the Committee of Experts surrounding the honorary consul institution demands further academic study to assess its relevance and validity in contemporary diplomacy, to both challenge the statements made by the committee as well as to examine the validity in modern diplomacy regarding the concerns raised. While the honorary consul position was eventually codified in international law through inclusion in the Vienna Convention of Consular relations-1963, solidifying the placement of the institution within the fabric of consul intercourse and interstate affairs, there is still a distance to go until the institution of the honorary consul is a properly integrated consular function with as much respect and understanding as its career equivalent, the career consul. This thesis will investigate and challenge the ever-changing role and perceptions of the honorary consul, in order to propose and justify reform.

I have chosen to dedicate my research to the legal and diplomatic study of the honorary consul institution, owing to a long-standing intrigue for the practice and function of diplomacy. As a young man in the 1990’s, I first became cognisant of the honorary consul institution when I met the charismatic and eccentric late Fritz Ziegler, the honorary consul for Monaco and Grand Prior for the Americas of the Sovereign Order of St. John of Jerusalem[[6]](#footnote-7) In my career, which has spanned over 20 years in international law and public policy, I have had the privilege of working for many governments in an advisory capacity. In particular I have focused on emerging democracies, post-conflict governance, and small, economically challenged nations. My career as a government advisor for an international law firm has given me privileged access to a wide spectrum of Heads of State, Presidents, Prime Ministers, Foreign Ministers, Ambassadors, consulates and state officials, and I have engaged with many honorary consulates who have represented nations large and small across the globe. On several occasions I have advocated on behalf of individuals for the position of honorary consul. Through professional engagement on the topic of honorary consuls, I noted a significant lack of understanding by government officials regarding the use, appointment and application of honorary consuls. Anecdotally, I identified this most frequently in small and developing nations, even though these are the nations who, in theory and practice, stand to benefit most from the honorary consul model. The wide spectrum of understanding about the honorary consul function and the lack of uniformity and cohesion amongst the international diplomatic community was a catalyst in driving me to undertake this extensive research-based thesis.

Reference material for this dissertation related to the legal status, position, history and function of the honorary consul was scarce, reminiscent of the honorary consul’s marginal position in scholarly and practical diplomacy. My reference material was mainly sourced through legal reports from The United Nations Office of Legal Affairs Codification Division, including the International Law Commission documents and yearbooks; in addition, proceedings of diplomatic conferences provided significant research material, since the process of inclusion of the honorary consul into the Vienna Convention on Consular Relations (VCCR) was well-documented. A significant amount of research material was gathered from reports furnished by the ILC to the United Nations. Additionally, I was able to research the honorary consul using contemporary research methods such as social media platforms such as twitter and Instagram, and found this a useful resource when looking at the actions and activities of the honorary consul as a “follower” and voyeuristic observer of the public engagements and actions of a large number of appointed honorary consuls. Lastly, perhaps the most important element of my research came from first-person interviews with Heads of State, Foreign Ministers, Consul, Ambassador and honorary consuls.

When researching, I found that specific legal briefs and academic material on the honorary consul function in diplomatic practice was almost non-existent: for example, my research was unable to uncover a single book dedicated to the function of the honorary consul in either legal or wider academic scholarship. I hope that this thesis encourages further academic and legal analysis on the honorary consul and perhaps even a comprehensive book on the topic.

I will now lay out the chapter topics. In order to fully comprehend the status and role of the honorary consul in contemporary consular practice, it is necessary to explore the progenitors of the modern-day honorary consul and their origins in customary interstate intercourse. For this reason, Chapter 2 will examine early legal models and treaties inter alia, with a significant focus on the Greek tradition of proxeny, which is widely accepted as the nascency of the honorary consul function.

In Chapter 3 I will look at the function and position of the honorary consul through legal scholarship and corresponding public international law and treaties. Academics such as Elaine Denza, Craig Barker and G.R. Berridge will form the basis for my research in this section, as well as an extensive study of the three submitted recommendations on consular protections and immunities from the International Law Commission (ILC). The draft recommendations from the ILC provided a significant amount of research material for Chapter 3.

Most of the research is focused on either the legal or international legal aspects of the honorary consul, which includes significant attention to the ILC, League of Nations Committee of Experts for the Progressive Codification of International Law, as well as the United Nations archives. It was impressive to see the process of the ILC when codifying consular functions - in particular the dedication to member state opinions, such as the lobby efforts of some Western European states and the concerns expressed by Nordic states.

In Chapter 4, the focus will be on the relevance, practical application and contemporary challenges of the honorary consul within interstate consular intercourse, as well as the local legal frameworks pertaining to its application. The chapter will show the application and mandate of the honorary consul function from a diverse range of countries including the United Kingdom and the United States of America, as well as some key small states and microstates. Microstates are particularly prominent because they rely almost entirely on honorary consul representation to maintain connection with the outside world. Chapter 4 will highlight the diversity of the honorary consul function as we look at case studies from a variety of nations.

In Chapter 5, to balance opinion on the institution and its relevance in contemporary interstate engagement, I will focus on the public image and brand of the honorary consul. Perhaps most critically, I will examine the status and viability of the modern honorary consulate - their mandates, state intercourse and perception by state and non-state actors. This chapter will interrogate public opinion and media coverage, including corruption, the misuse of public trust, and indicate deficiencies, while arguing for reforms to repair the mismanagement and underutilisation of the honorary consul corps. Key findings highlight the need for improved training, capacity development and due diligence regimes, which the institution requires to remain a significant part of public diplomacy and consular intercourse. This thesis will provide a theoretical and practical perspective on the honorary consular function with a call for reform, aimed at promoting a deeper understanding of the institution in academic and legal scholarship, as well as by practitioners. It will question the viability of the institution and interrogate its need for modernisation in order to serve the appointing nations with the deserved level of performance and efficiency.

I have included an annex displaying the results of a qualitative research project. The focus here is more granular. It was written while working in collaboration with the Hungarian Ministry of Foreign affairs, where I developed an empirical research study to support this thesis, which focused on those serving as honorary consuls in Hungary. The interpretation and examination of the results of this study highlights the significant capacity for the honorary consular corps whilst also illustrating deficiencies in terms of the comprehension of their legal status and consular function. The results of the empirical study substantiated the quality of this thesis with direct and qualitative material. I am thankful for the support of both the Government of Hungary as well as the honorary consuls who were so willing to share and provide meaningful data.

Finally, I have included an annex which provides the text associated with the immunities and privileges provided for the honorary consul within the Vienna Convention on Consular Relations (1963) in an easy to read and simplified manner.

## Chapter 2: The Historical Development of Honorary Consuls

**2.1. Introduction**

*"You have to know the past to understand the present."*

Carl Sagan[[7]](#footnote-8)

The purpose of this chapter is to provide an overview of how the function of honorary consuls has developed. A thorough understanding of the ancient and dynamic context of this tradition is essential to comprehend how and why these representatives of states pursue their activities today, and how their unique role within foreign policy and international relations has endured since antiquity. This function has been relevant since the advent of foreign relations. This chapter will explore and define key historical stages of the institution and create a comprehensive account of its transition from ancient Greece to the signing of the Vienna Convention. Prior to the codification in the Vienna Convention, this function was only loosely defined by bilateral agreements in an ad hoc nature, and not regulated by a multilateral treaty. Understanding the context surrounding an institution based on good citizenship, public-spiritedness and volunteerism provides essential insight into its contemporary role.

This institution can be traced back to Greece, China, India, and the Middle East from the 8th century, although the concept of consuls - and particularly honorary consuls - have meant different things to different civilisations.[[8]](#footnote-9) Though their roots are diverse, the aims of honorary consuls have retained a consistent message. These consuls have always been tasked with promoting the interests of their sending state in the host country, largely by fostering social and economic relations. Etymologically, the word *consul* is derived from the Latin *consulere,* meaning “to deliberate, take counsel.”[[9]](#footnote-10) The consulate is an “institution that even claims its own Roman god; ‘Consus,’ the ancient god of the counsellors, who is said to bestow his protective divinity on the consulate.”[[10]](#footnote-11)

Consulates are thought to be a longer-running institution than permanent diplomatic missions: according to Curtis Doebbler, the “origin of consuls predates that of permanent ambassadors by almost two millennia”.[[11]](#footnote-12) Modern diplomacy's origins are “often traced to the states of Northern Italy in the early Renaissance, with the first embassies being established in the thirteenth century.”[[12]](#footnote-13) Harold Nicolson, a notable diplomat, author and scholar points out that although the practice of establishing permanent missions in a capital city was only:

adopted fourteen hundred years later, the Greek cities were constantly sending and receiving embassies of a temporary, or *ad hoc,* character… The establishment of permanent diplomatic missions, with ambassadors resident in the capital of the country to which they were accredited. The first resident embassy in the modern sense was that accredited in *1450* to Cosimo dei Medici by the Duke of Milan.[[13]](#footnote-14)

With an economic basis in trade relations, the tradition of employing honorary consuls is borne from international trade requirements. The practice of officially representing a state in a foreign territory - protecting and advocating the interests of the consul’s sending country, while facilitating trade and cooperation between the two states - has been implemented for centuries.

**2.2 Ancient Greece, proxeny and the first honorary consul**

The institution of proxeny is considered the first example of the honorary consul: a view widely held by academics, legal scholars and historians such as Irad Malkin, Jaroslav Zourek, Luke T Lee and Kevin Stringer.[[14]](#footnote-15) Harold Nicholson stated that proxeny was one of the most useful institutions developed by the Greeks.[[15]](#footnote-16) I will explore in detail the role of the proxenos in Greek foreign policy, tracing the honorary consul to the point of codification in 1963, where I will mention the responsibilities, privileges and appointment of the ‘father of the honorary consul’; Jaroslav Zourek, Special Rapporteur for the ILC establishes that “consulates are a much more ancient tradition than permanent diplomatic missions.”[[16]](#footnote-17) This chapter will demonstrate that, despite being the lesser-known counterpart of career diplomacy, the honorary consular function can be traced back to antiquity and is a deeply entrenched facet of consular tradition.

Ancient Greece was a decentralized political constellation of more than a thousand self-governing city-states—known to the Greeks as *poleis*—which necessitated a special form of representation. Since Greek city-states did not dispatch permanent diplomatic representatives, a unique arrangement was established to ensure that their interests were met outside their territory.

The Greek equivalent of the honorary consul was the *proxenos,* a “public guest or friend.”[[17]](#footnote-18) The “proxenia [or proxeny] was an honorific status bestowed by poleis [the city-state] on non-citizens who thereby became… proxenoi [plural of proxenos].”[[18]](#footnote-19) The proxenos was traditionally a male citizen chosen as the legal emissary to “protect citizens of the city [he] represented, act for them in assemblies, witness their wills, arrange the succession of foreigners who died without heirs, and see to the sale of cargoes.”[[19]](#footnote-20) He also handled formal affairs such as introducing ‘’foreign ambassadors to assemblies and temples and [preparing] treaties between [his] own country and the city [he] represented.”[[20]](#footnote-21) A proxenos would use whatever influence he had to promote cooperation that benefited both parties mutually. These services enabled citizens of the city-state to “overcome the political fragmentation… whether as official representatives of their own city, or as merchants, tradesmen, or even as tourists, in other communities where they did not have the privileged status of citizen.”[[21]](#footnote-22)

Harold Nicolson noticed that the proxenos had a dual status, being “a native of the city in which he resided and… expected there to further and protect the interests of the citizens of the State by which he was appointed.”[[22]](#footnote-23) Proxeny networks, therefore, allow modern-day observers to “trace patterns of political, economic, and social interactions between city states, and to trace the horizons of different political communities.”[[23]](#footnote-24) Operating a robust proxeny network helped establish the reputation of a city-state and elevate its political status, with the customs of “inter-polis networking” being “closely bound up with ideas of what it meant to be, and to be seen to be, a polis.”[[24]](#footnote-25) In other words, it was not just the status of the proxenos who was benefited by the arrangement: proxeny equally benefited the honour of proxenoi and poleis.

**2.2.1. Official Position and Status of the Proxenos**

City-states selected proxenos and in return for the “services already rendered and expected in the future, bestowed honours and privileges upon them.”[[25]](#footnote-26) These appointments were “much coveted,” and many citizens “voluntarily assumed the burden in the hope of gaining the title.”[[26]](#footnote-27) The post of proxenos was regarded as one of honour and many distinguished men were glad to serve in that capacity; thus “Pindar became the Proxenos of Athens at Thebes, and Demos­ Thenes the Proxenos of Thebes at Athens.”[[27]](#footnote-28)

Those seeking the role of proxeny had many reasons to volunteer, although the status was a primary driver for their services. This title was often a “hereditary institution” and therefore tended to be patrilineal.[[28]](#footnote-29) Those granted proxeny formed a rather diverse and powerful social group within Ancient Greece, well-known for their social engagements. The private society formed by proxeny - which provided a strong community of powerful envoys - can be compared to the many honorary consul's corps that serve today.

Dr. William Mack, an academic who recently published the book *Polis and proxeny in Ancient Greece* (2015)*,* believes each appointed proxenos brought tangible value for the city-state whose interests he represented. The appointed citizens were chosen for a variety of reasons: a political figure for his influence, a doctor for his professional skills, or a banker for his financial resources.[[29]](#footnote-30) Utilising the natural skill-set and network of the appointed proxenos allowed the city-state to access a network of experts to support their citizens when travelling abroad. As a result, individuals granted the title of proxenos had diverse backgrounds ranging from royal functionaries, army officers, military officers, political envoys, doctors, political partisans, agents, ship owners, bankers, judges, philosophers, and priests.[[30]](#footnote-31) The key element in choosing the appropriate person to hold this position was his elevated status in his society. A city’s “proxenoi ideally threw their personal political weight behind the requests of delegates, and that could include mobilising the network of friends and supporters from which their political influence in part derived.”[[31]](#footnote-32)

The unique methodology of the ancient Greeks to source a diverse group of experts should be considered for modern day appointments.[[32]](#footnote-33) Generally, modern states seem to focus on appointing officials, such as lawyers, which may limit the effect of the honorary consul to the sending state; although it also seems to provide the sending state with a level of professional comfort - these individuals tend to have the social and professional expertise to represent the state and avoid embarrassment. The Greeks identified the value of appointing a wide spectrum of “experts” within a polis to support the Greek state with capacity in culture, economic, social and political arenas.

**2.2.2. Duties Performed by the Proxenos to the City-State**

The role of the proxenos as a facilitator between two communities was fulfilled by rendering domestic and formal services for visiting citizens of the sending city-state they represented. In 374 BC, “Polydamas, who was the Spartan proxenos in Thessaly, described his duties as transmitting useful information to the state that had appointed him as consul.”[[33]](#footnote-34) There were a range of responsibilities undertaken by the proxenos. In many regards, his own personal home became similar to an informal cultural centre or small consulate and could also be used as residence for visitors. The residence served as a central hub and allowed individuals to gather and to share information about business, cultural events, local news and gossip.[[34]](#footnote-35) His powers were extensive. He usually:

acted as a witness in testamentary matters; was permitted to determine the rights of succession of foreigners who died without heirs in the state where he resided; received the ambassadors of the state he represented; assisted in the formulation and conclusion of treaties; acted as arbiter in controversies either between different states or private individuals; was generally exempted from certain taxes, customs duties, and other charges imposed on resident alien subjects; enjoyed the right to place the coat-of-arms of his country over the door of his official residence; and, in case of war, was invested with inviolability of person and property.[[35]](#footnote-36)

The proxenos system was developed in Ancient Greece to support the diplomatic interests of the city-state and to allow it to pursue commercial aims. Commercial and other apolitical relations between city-states were conducted on an ongoing, continuous basis. The proxeny was tasked with supporting commercial interests of the Greek state—modern research of the backgrounds and profiles of those granted proxeny suggests that a large number were businessmen.[[36]](#footnote-37) It is evident that today’s modern-day honorary consuls can be significant drivers to the economy of their sending state, and that a focused mandate on the development of commercial relations can be effective criteria when looking for possible honorary consuls. From this point of view, it is important to emphasise that proxeny were citizens of the city in which they resided, not of the sending city-state that employed them. Like envoys, they had a secondary task of gathering information, but their primary and most important responsibility was trade.[[37]](#footnote-38) The proxenos had rights and privileges regarding trade, taxation, and the law. He performed a variety of favours in his own home city for them, most commonly facilitating trade and business deals. Indeed, “legations would first contact their proxenos and then conduct their negotiations through him, counting on his help.”[[38]](#footnote-39) The institution of proxeny thus became the “basis of all future international relationships in the ancient world” and also vivid in modern diplomacy, for example, the “English word *proxy* derives from the word and office.”[[39]](#footnote-40)

Mack estimates that the number of those granted the role of proxeny is 1,200,000 - an astronomical figure that demonstrates the value placed on the proxenoi during the 500 years this system thrived.[[40]](#footnote-41) However, there is another reason why the tradition is given special emphasis within this chapter: the nature of their activities—being primarily commercial—and the criterion of selecting citizens of high social status to be appointed as proxenos, makes them the first genuine prototype of modern-day honorary consuls.

For honorary consuls serving world-wide today, a thorough knowledge of the origins of their institution could help to instil a further sense of pride and purpose in their role. The venerated institution of proxeny highlights the ancient wisdom of the Greek society to install "friends of state" to further their foreign policy and should give gravitas to those serving as honorary consuls. Today, honorary consuls are found around the world, and they may all take pride in the knowledge that their provenance comes from such a storied past within antiquity. In my opinion, the Greek proxeny system is the most valuable for understanding the modern role of honorary consuls, although it is true that over the centuries many other variations have emerged which help us to understand the modern concept. The Greek merit-based system, allowing for a cohort of diversely skilled candidates to serve as honorary consuls, will always be the original and purest known form of the practice.

**2.3 The Roman Empire**

**2.3.1 Praetor Peregrinus**

The proxeny model was one of many institutions that Rome inherited from the Greeks, but then adapted to the task of imperial administration. For this reason, the Roman patronage system is not dissimilar to the Greek system described above. One key difference is that the main function of the Roman patronage system was to administer justice to foreign merchants. This function was based on a different set of legal principles which were less formalistic than those of the main body of Roman civil law, and hence, better suited this purpose and the inherent trade requirements.

In other words, the Romans established a special legal form in order to ensure that disagreements between merchants were handled in the appropriate manner. In 242 B.C., the office of the *praetor peregrinus,* a magistrate who judged disputes between foreigners, or between foreigners and Roman citizens, was created.[[41]](#footnote-42) Through this forum of dispute resolution, foreigners' cases were tried under the rules of *jus gentium,* including those arising from cases concerning international trade relations.[[42]](#footnote-43)

**2.3.2. Roman Consuls**

During the first two centuries of the Roman Empire, consuls presided over the Senate with substantial powers. Over time, however, the Consulate assumed a more ceremonial title, and the consuls of Ancient Rome were strongly reminiscent of the modern conception of honorary consuls. This is one example of how the term ‘consul’ has evolved with changing meaning to encompass different civilisations and traditions. However, Roman Emperors habitually distinguished their favourite followers by appointing them with this title. The consular function soon came to be the denomination of a high social class. Following Caesar’s rule, the term *consul* became far less visible, and it is only “from the epoch of Justinian that this role has evolved to become more synonymous with that of an ambassador.”[[43]](#footnote-44)

Since the Roman Empire, the role of the consul has been understood as a “bridge or link between the governing and the governed.”[[44]](#footnote-45) It is a “unique historical role of public service to a community of citizens [which] is consistent throughout the development of consular history” and is “reflected in the modern role of the consul and the honorary consul.”[[45]](#footnote-46)

**2.4 Developments after the fall of the Western Roman Empire**

As in the Roman Republic later in the Empire, the title *Hypatos,* which means honorary consul,was “initially given each year to two distinguished citizens... until Justinian halted the practice due to the extraordinary expenditure it involved.”[[46]](#footnote-47) Even after the title ceased to be used at the end of the 7th century, honorary consuls “continued to be named, as attested by seals bearing the titles *hypatos* or *apo hypatōn,* meaning ‘former consul’.”[[47]](#footnote-48) The survival of the title, albeit nominally, demonstrates the value placed upon honorary consuls.

**2.4.1 Constantinople and the Byzantine Empire**

Throughout the Byzantine Empire’s “long existence (c.330-1453 CE) wave after wave of westward-migrating peoples came up against its borders”: this history of migration became essential to the multiculturalism that fuelled a consular tradition in the 12th century.[[48]](#footnote-49) Zourek writes that after the fall of the Western Roman Empire “many foreigners, attracted by the international trade, took up residence in Constantinople and other towns of the Byzantine Empire.” This strengthened economic and diplomatic ties with the capital of Byzantine, for example ports like Ancona, a city on the Adriatic coast developed their own “church, colony, and consul in Constantinople.”[[49]](#footnote-50) Increased commerce spurred the establishment of “independent [merchant] communities (brotherhoods, colonies), [who built] their warehouses, administrative offices and churches, while remaining subject to their own national laws”.[[50]](#footnote-51) Other communities established warehouses and communities there - for example Bulgarian and Russian, from the 9th and 10th century - and on the basis of the “principle of the personality of laws—which was widely recognized in the feudal times—these communities soon acquired a degree of autonomy, and in particular the right to have special magistrates, who began to be called "consuls" in the 12th century.”[[51]](#footnote-52) These roles were similar to the modern honorary consul, and demonstrate the resilience and attractiveness of the tradition, which gave Byzantine communities identity and status.

**2.4.2 The Arab World**

The consular function endured in various forms through the 7th century, even after the Arab conquest of much of the Roman Empire. Eventually merchants took over the roles of honorary consuls; as Zourek explains, the “Moslem States granted merchants from cities of western Europe a system of protection, on which the capitulations [of immunity] were later based.”[[52]](#footnote-53) The merchant-based consular system formed important bridges of communication and commerce between European and African nations, forging the way for trade routes. Called “imtiyāzāt (privileges) in the Middle Eastern languages, the capitulations were based on the principle of amān, the safe-conduct granted by members of the dār al-Islām (abode of Islam) to citizens of non-Muslim countries, the dār al-ḥarb where unending war for the faith was legitimate and indeed required.”[[53]](#footnote-54)

Similar trading posts were established in many Christian principalities during the Crusades, perhaps inspired by the magistrates with diplomatic functions who populated the Byzantine Empire and Moslem States.[[54]](#footnote-55) Independent trading posts increased in number as a result of the Crusades, with “Marseilles obtaining permission to have consuls at Tyre and Beirut (1223), Montpellier at Antioch and Tripoli (1243), in Cyprus (1254) and Rhodes (1356), and the town of Narbonne in Rhodes (1351).”[[55]](#footnote-56) Indeed, “foreign representatives, often elected among the inhabitants of the millet, could judge both criminal and civil cases among foreigners... Initially, however, “‘private’ entities, such as communities of merchants (e.g. the Hanseatic League), city-states (e.g. Venice) or individuals received capitulatory rights.”[[56]](#footnote-57) The “1535 unilateral grant issued by Suleiman the Magnificent to Francis I of France is one of the first examples of capitulatory privileges.”[[57]](#footnote-58) The alliance has been called "the first non-ideological diplomatic alliance of its kind between a Christian and non-Christian empire".[[58]](#footnote-59)

**2.4.3 Western Europe**

Traditions resembling the honorary consular service endured the fall of the Roman Empire in Western Europe. Where “trade managed to survive, the institution of special judges survived likewise”.[[59]](#footnote-60) For instance, in the fifth and sixth centuries the “Visigoths had special magistrates called *telonarii* for settling disputes between foreign merchants in accordance with their own laws.”[[60]](#footnote-61) The telonarii “combined the jurisdictional nature of the consul with that of the gatherer of the teloneum [tax] on the trade of goods”.[[61]](#footnote-62) The “oldest written law ruling the Consular office” states that the “non-Visigothic telonarii… were allowed to live under ‘their own’ laws, since the foreigners’ judge need not be ‘de sedibus nostris’, or of our domains.”[[62]](#footnote-63)

Due to a succession of invasions from the Huns, the Avars and the Lombards, these crucial trading systems suffered a massive blow and took some time to recover.[[63]](#footnote-64) Despite this temporary setback, consular services did not come to a complete halt, and were regained slowly as these communications improved.[[64]](#footnote-65) This shows that the diplomatic traditions were as resilient as patterns of commerce itself, and honorary consuls have enjoyed a long, fairly consistent trajectory. Trade and commercial ties between the sending and receiving state should be a key priority for the honorary consul, especially today. The concept of commercial diplomacy has always been a valuable tool. Therefore, the honorary consul can be a powerful and highly effective tool in enhancing commercial relations for the sending state.

**2.4.4 Development of the consular system in Italy, Spain and France**

Consulates appeared during the Middle Ages and were institutionalized by various European states in the early modern period, primarily in the interest of commercial intermediation. The consular function was strongly influenced by and used in Italian, Spanish and French histories, particularly for the resolution of commercial disputes and assistance to merchants.[[65]](#footnote-66) Spurred by an increase in international trade, the consular institution developed rapidly in the 13th and 14th centuries, not only in the Mediterranean basin but also on the Atlantic, North Sea and Baltic coasts. This followed the birth of trans-Atlantic trade and increased commercial activities worldwide.

**2.4.5 Italian Republics – Genoa, Venice**

As early as the 13th century, the Italian republics already had a tradition of exchanging consuls with one another and setting up consulates in Spain. By the 13th century, Venice had consuls in more than thirty cities. It is important to emphasise that unlike the early Roman example, leaders of the Italian city-states of this time awarded consular positions to officials of lower rank. Among these were Genoese officials stationed in various Mediterranean ports whose role included duties similar to those of the modern consul, including providing assistance to Genoese merchants and sailors with legal difficulties and acting as an intermediary to the local authorities of their behalf.

**2.5 Spain and France**

The institution of the *Consolat de mar* was established “under the reign of Peter IV of Aragon in the 14th century” which functioned in “forty-seven locations throughout the Mediterranean region.”[[66]](#footnote-67) Although the Consulate of the Sea was established by parliament, the consuls were independent from the monarch; the concept of the *Consolat de mar* or The Consulate of the Sea was a quasi-judicial body set up in the Crown of Aragon, later to spread throughout the Mediterranean basin to administer maritime and commercial law, appears to have been accepted in nearly all Mediterranean seaports and enjoyed considerable authority.[[67]](#footnote-68) In 1347, Peter IV also granted the city of Barcelona the right to set up a consular court to administer maritime and commercial law, known as lex mercatoria.[[68]](#footnote-69) Lex mercatoria is the Latin expression for a body of trading principles used by merchants throughout Europe in the medieval period: literally translating to ‘merchant law.’[[69]](#footnote-70) The significance of both consolat de mar and lex mercatoria is that this legal framework provided a basis for what would later become consular law, under which the honorary consul is protected and provided for.

Following colonial gains, the “Consulado de mercaderas was set up in 1543 in Seville as a merchant guild to control trade with Latin America [with] branches in the principal cities of the Spanish colonies.”[[70]](#footnote-71) The linkages of consuls with trade and commercial law is retained in the French language, where a “*juge consulaire* is a non-professional judge elected by the chamber of commerce to settle commercial disputes in the first instance.”[[71]](#footnote-72) In France he sits in panels of three; in Belgium, he sits in conjunction with a professional magistrate.[[72]](#footnote-73)

**2.6. The Western Part of the Mediterranean**

Honorary consuls also existed outside of Europe. The Mediterranean basin also saw a long history of traditions reminiscent of the consular service. In trading and industrial towns, “special magistrates called consul judges or merchant consuls were employed to settle disputes between domestic and foreign merchants.”[[73]](#footnote-74) Expansion and trade soon meant there was a need for people to protect the community’s interests abroad. The mercantile towns sent “similar magistrates, known as overseas consuls to foreign towns and ports, for the main purpose—in the generally unsettled conditions of the period—of providing their own traders with security. This included a judicature for the protection of merchants and ship masters’ interests, and the settlement of their disputes in accordance with their own laws.”[[74]](#footnote-75) This was a sophisticated level of consular activity operating on a protective legal basis, ensuring that communication and commerce remained peaceful and just.

Consulates have their origin in the institution of these special magistrates who settled disputes between merchants. Historical records show that these judges appeared wherever international trade arose. They apparently existed in China, India and the Arab countries; but consulates first appeared in Europe to deal with relations between Europe and Byzantium. As early as 945 AD, under a treaty concluded between the Russian principality of Kiev and the Byzantine Empire, Russian merchants were protected by an official whose task it was to settle trade disputes.[[75]](#footnote-76) The role played by the Byzantine Empire in international trade during that time explains the rapid expansion in consulates.

Although modern-day consuls and honorary consuls are not mandated with supporting legal disputes, there is much to be learned from this historical example. Today’s well-placed honorary consuls can play a meaningful role in mediation, and commercial arbitration should the need arise. The combination of local knowledge coupled with business acumen could be of great benefit to resolve minor commercial disputes between merchants and the host governments.

**2.7 Extraterritoriality and the Ottoman Empire**

European consuls in the Ottoman Empire originated in informal relationships between merchants living in the Empire and the Sultan. The relationships were defined by the *ahdname,* or capitulations*.*[[76]](#footnote-77) The Ottoman Sultan granted *ahdname* to commercial diasporas residing in the Ottoman Empire, which were declarations of protection for citizens of foreign religions. The capitulations guaranteed foreigners freedom of religion and protected them from the national laws of the host country.[[77]](#footnote-78)

The Venetian stance towards the Ottoman Empire was based on a policy of neutrality which was only possible through their strong diplomatic corps. The functions of the Venetian *bailo* closely resemble that of the Greek *pr*oxenos and can be rediscovered not only in modern political nominated ambassadors but also in the function of honorary consul. A bailo acted both as consul and ambassador. In the Middle Ages, the “office of a Venetian bailo was only a little different from that of a consul… Even if the responsibilities were the same.”[[78]](#footnote-79) Thus, the bailo needed personal skills that would allow him to befriend high-ranking Ottoman officials in order to ensure Venetian interests. Similarly, the French consuls were responsible for “promoting French trade in the Levant through persuasion (gifts, donations, favours, etc).”[[79]](#footnote-80) However, they were not allowed to participate in trade and commerce themselves, but had to “report political and economic information back to the French government.”[[80]](#footnote-81) The English consuls were appointed by and affiliated with The Levant Company, a chartered company formed in 1581 with exclusive trading rights; however, England had the simplest hierarchy with regard to consular representation because the consuls represented the interests of the Company rather than that of the Crown.[[81]](#footnote-82)

**2.8 Revival of the consular function**

During the era of absolute European monarchs - popular during Medieval Europe and leading up to the 18th century - the consular institution was much diminished, and its purpose shifted from the representation of merchants to the representation of governments.[[82]](#footnote-83) However, a boom in trade and communications following the Industrial Revolution revitalized this historic institution and today its importance has been restored, if not heightened.

**2.8.1 Decline, adaptation, and revival**

A temporary decline of consular function began towards the end of the 16th century. The growing powers of absolute monarchs left no place for consular jurisdiction over foreign merchants falling under the laws of their home country; territoriality superseded personal rights. The right to nominate consuls no longer lay with groups of merchants, but with the members of parliament, who the consul would then represent.

The career consular service was born towards the end of the 18th century. France was the first to hire career consuls with other countries soon following suit. French was established as the official language of diplomacy, a role it retains to this day. During that time, states generally sent their diplomatic delegates to the capital or to other major cities of the host country, and lowlier consuls were assigned to smaller cities, as their work focused on the representation and protection of the interests of citizens of the sending state, rather than political dialogue with central authorities of the host country.

In present terms: the current revival of commercial diplomacy can be seen as a return to the consular’s function predating the rise of absolute state power. The intensification of international diplomacy has once again made the consul an essential figure, and at the same time has caused the role of the consulate to become more regulated and standardised. This evolution has led to the inclusion of consular clauses in treaties of trade, commerce, navigation, peace, cooperation, and travel - among others. Many international agreements today include bilateral consular covenants. International conferences and treaties have embraced the representation and contributed to the disappearance of the independence and autonomy of the consular status.

**2.8.2 Early attempts at codification and the Vienna Convention**

The earliest set of consular regulations were published in France by Colbert in his *Ordonnance de la marine* in 1681.[[83]](#footnote-84) Several states took it as a model in organizing their own consular services. In 1769 the Convention of Prado between France and Spain was established, prescribing detailed rules governing the status of consuls of the two states and including the first consular convention.[[84]](#footnote-85)

The Industrial Revolution brought with it an unprecedented expansion of communications, international trade and foreign travel. This led to an extraordinary increase in the number of consulates and to the adoption by states of regulations for consular services. These included the Lima Convention of 1848, the Caracas Agreement on Consuls of 1911, the Convention on Consular Agents of Havana of 1928, and most importantly, the Vienna Convention on Consular Relations dated April 24, 1963. While it is worth mentioning the subsequent European Covenant on Consular Functions of 1967, in reality it had little influence because the Vienna Convention was already so elaborate (see Chapter 3.) Preliminary attempts to officially codify international consular legislation resulted in some regional agreements; however, despite the League of Nations’ “conclusions regarding not only the desirability, but the paramount importance of consular regulation through international instruments, the issue was left pending for nearly twenty years”.[[85]](#footnote-86)

Since 1982, the “World Federation of Consuls has served as a global forum for career and honorary consular associations.”[[86]](#footnote-87) The organisation was founded to support the “status, legitimacy and efficacy of every consular official in every host country [and] to facilitate mutual understanding and cooperation between career and honorary consuls... the exchange of information about rights and duties [and] the establishment of high functioning working relations.”[[87]](#footnote-88) The evolution of communication systems and decreased investment in diplomatic services has caused a shift in the honorary consular function during the 21st century, making it even more important that the honorary consul has the power to relieve or replace their career counterparts, to adapt to a lesser-funded and more unpredictable diplomatic landscape.[[88]](#footnote-89) This chapter has demonstrated the ancient and long-standing histories of the honorary consul, a function which is still exceedingly well-suited to maintaining foreign relations and must not be overlooked.

## Chapter 3: The Codification of the Status of honorary consuls in International Law

**3.1 The Vienna Convention on Consular Relations, the honorary consul and the international treaty**

In the previous chapter, I discussed how the honorary consular function has existed since antiquity, where it can first be identified in Ancient Greece. Since then, there have been a number of laws addressing diplomatic and consular functions, such as the Havana Convention on Consular Agents of 1928[[89]](#footnote-90); as well as country-specific treaties, for example Latvia, which in 1935 drafted laws to meet the needs of honorary consuls.[[90]](#footnote-91) This chapter outlines how the codification of the status of honorary consuls in international law occurred. The final VCCR was based on the recommendations of the International Law Commission (ILC). It is impossible to discuss the inclusion of the honorary consul in international law without mentioning the International Law Commission and its essential role in the creation of the Vienna Convention on Consular Relations (VCCR). I will analyse the recommendations of the VCCR in this chapter, as well as the competing arguments for and against the inclusion of honorary consuls in the Vienna Convention. I will discuss Chapter III of the VCCR, which not only establishes the optional nature of the honorary consular function but provides specific protections and provisions on their account. Many consider the VCCR to be the bible for honorary consuls - although, at almost 60 years old, it is its significant analysis which makes it an important starting point for my discussion.[[91]](#footnote-92)

**3.2 The Development of the Vienna Convention**

The officialised honorary consular function came into force on the 19th March 1967 after being codified into the Vienna Convention on Consular Relations on the 24th April 1963 (governed by Article 77 of the VCCR).[[92]](#footnote-93) Prior to the codification, the informal traditions of honorary consuls did not have any uniform protections or immunities under international law; there were no primary legal frameworks governing their operations. This is not to say that they did not exist in some form before the codification, only that they were not recognised officially and afforded protections by international law. Any agreements made were ad hoc and bilateral - for example, in the case of protections for proxeny in Ancient Greece - and only when the VCCR was implemented did a fully multilateral regulation take place. When this occurred, honorary consuls were considered so significant that an entire chapter on this role, Chapter III, was included in the VCCR. This was the birth of the modern honorary consul.

**3.2.1. Historical review of attempts to codify consular and diplomatic function**

Prior to the creation of the ILC, several attempts had been made to codify diplomatic and consular intercourse in international law; for example, the first “international instrument to codify any aspect of diplomatic law was the Regulation adopted by the Congress of Vienna in 1815, which simplified the complex rules on the classes of heads of diplomatic missions.”[[93]](#footnote-94) Codification among states of immunities and privileges of diplomatic agents did not begin until “the Havana Convention of 1928, drawn up among the States of the Pan-American Union.”[[94]](#footnote-95) Additional attempts included the “draft codes and proposals prepared by the Institut de Droit International, the International Law Association (both founded in 1873) and the very influential Harvard Research in International Law (established in 1927).”[[95]](#footnote-96) Enthusiasm for the “codification movement” stemmed from the belief that a written international law would abolish the gaps and uncertainties in customary international law.[[96]](#footnote-97) Article 13 (1)(a) of the United Nations Charter describes the process of codification as the “more precise formulation and systematization of rules of international law on subjects that have already been extensively covered by State practice, precedent and doctrine”[[97]](#footnote-98) - as opposed to the progressive development of international law which “encompasses the drafting of legal rules in fields that have not yet been regulated by international law or sufficiently addressed in State practice.”[[98]](#footnote-99) The work that led to the birth of the International Law Commission started with the Resolution of the Assembly of the League of Nations on the 22nd September 1924, which established the Committee of Experts for the Progressive Codification of International Law.[[99]](#footnote-100) The committee consisted of 17 members with the purpose of making recommendations for issues that had to be addressed in international law, as well as further legal steps towards those goals. The committee's work led to the [League of Nations Codification Conference of 1930](https://en.wikipedia.org/wiki/League_of_Nations_Codification_Conference,_1930), which dealt mainly with nationality laws, territorial waters and state responsibility to harm or damage caused to foreign nationals.[[100]](#footnote-101)

The United Nations adopted many concepts of the League of Nations resolution in Article 13, notably in Paragraph 1 of the Charter of the United Nations, which states: "The General Assembly shall initiate studies and make recommendations for the purpose of... encouraging the progressive development of international law and its codification."[[101]](#footnote-102) On December 11 in 1946, the General Assembly passed Resolution 94, which called on policymakers to establish a committee of legal experts to make recommendations to the UN Secretary-General on the ways the General Assembly could “encourage the progressive development of international law and its codification”.[[102]](#footnote-103)

The Committee of Experts consisted of “17 members and convened from 12 May to 17 June in 1947”.[[103]](#footnote-104) It recommended establishing a permanent UN commission to promote these objectives. On 21 November in 1947, the UN General Assembly passed Resolution 174, which provided for the creation of an "International Law Commission" in order to fulfil the obligations of the Charter of the United Nations. The statute of the International Law Commission was attached to the resolution. The goals of the Commission were to promote the codification of international law and solve problems in both public and private international law.[[104]](#footnote-105) Working procedures for the Commission were elaborated in articles 16-26.

**3.2.2 The International Law Commission and Special Rapporteur J. Zourek**

The ILC is an expert body composed of “persons of recognized competence in international law.”[[105]](#footnote-106) Established in 1947 by the General Assembly of the United Nations, the ILC is a pivotal body which plays an essential role in the “codification and progressive development of international law.”[[106]](#footnote-107) Today, the International Law Commission is made up of 34 members, all of whom are international law experts elected by the General Assembly. However, it must be highlighted that the members of the Committee act as individuals and not as officials representing their respective states.[[107]](#footnote-108) Upon UN request, ILC members will appoint a Special Rapporteur to examine an issue related to international law, with the intention of codifying the principles of that subject. Their final report must be submitted to the General Assembly for approval. This body, therefore, is at the forefront of the codification of international law. Since its inception, the role of the ILC has been to convene discussions of international legal experts to develop cohesive and inclusive texts that incorporate the multiplicity of nations, states, traditions, and laws. Naturally, the domestic laws of many nations differ from one another and the ILC is key to incorporating the needs and requirements of the international community into standardized legal text that will serve as a basis for international co-operation. Because the baseline for most disputes is a legal text, it is essential that the ILC maintains close relationships with the international community in order to develop legal documents which can support the ongoing efforts of the global community to engage, resolve disputes and set precedents with respect to governance.

In 1949, at the ILC’s first session, they identified that the subject of consular intercourse and immunities required codification, but did not grant it priority; they began studying this topic only at the Commission’s seventh session, in 1955, when they appointed Jaroslav Zourek as Special Rapporteur.[[108]](#footnote-109) At the 373rd and 374th meetings the ILC consulted its members and held a debate to support the work of the Special Rapporteur (he also acted as the First Vice-Chair at the meeting) in writing his report.[[109]](#footnote-110)

Jaroslav Zourek was a Czechoslovak university professor, who had numerous published studies concerning international law.[[110]](#footnote-111) Dr Zourek was renowned for his professional and linguistic erudition, serving as an international law expert and being the first Czechoslovak ever to be elected to the ILC.[[111]](#footnote-112) Dr Zourek, an active participant in a number of UN meetings, worked tirelessly to draw up three reports which were then examined by the ILC.[[112]](#footnote-113) By 1957 Zourek had produced a report containing draft articles on the consular function.[[113]](#footnote-114) The ILC itself forged Zourek’s draft articles into a draft of its own.[[114]](#footnote-115) Later, his work was considered to be promising enough that in the spring of 1963, the UN Conference on Consular Relations met in Vienna with ninety-two states. The final product drafted from Zourek’s recommendations became the VCCR, which covered the key issues in consular law; including the process for appointment and acceptance of consular officers of the receiving state, facilitation of their work in the receiving state, and immunities enjoyed in a receiving state by consular officers and by the sending state in respect of their activities.[[115]](#footnote-116) Crucially, the Convention also specifically includes laws relating to the honorary consuls and their work.

In order to fully understand the inclusion of the honorary consul within the Vienna Convention on Consular Relations 1963, it is important to investigate Zourek’s work as Special Rapporteur, Zourek’s initial report to the United Nations served as the first analytical report to the international community on the status, function and utilisation of the honorary consul in contemporary diplomatic intercourse. Through Zourek’s efforts and negotiating skills, Chapter III of the VCCR was drafted and accepted - serving as the cornerstone for the honorary consul function within international diplomatic law.

Zourek drafted three further reports as Special Rapporteur and presented his findings at the 9th session of the ILC (1957), the 12th session of the ILC (1960), and a final report at the 13th session of the ILC (1961.)[[116]](#footnote-117) Zourek’s final report on consular intercourse and immunities is divided into two parts. The first part deals with the historical development of the subject; the codification of consular law; the general nature of the consular mission; honorary consuls and consuls otherwise gainfully employed; questions of method; and questions of terminology. The second part contains a set of draft provisional articles on consular intercourse and immunities.

Zourek established the distinction between career and honorary consuls, decreeing that career consuls (Consuls de’Etat, Consules Missi) are officials of the state, paid by it and engaged in no other lucrative occupation on their own account. In contrast, consular intercourse maintained by honorary consuls is voluntary and can be conducted in conjunction with other vocations (consul electi).[[117]](#footnote-118) The distinction set out by Zourek clearly states that those who are exclusively engaged with state activities and are paid by the state are career consuls. Honorary consuls are often merchants, businessman and other successful members of the state in whose territory they are to exercise their functions. In most cases, honorary consuls do not have the nationality of the state who appoints them. Zourek notes in paragraph 74 of his report that honorary consuls “enjoy much less favourable treatment than career consular representatives. Consular conventions and national regulations do not grant the same privileges and immunities to consular representatives who, though officials of the State they represent, are authorized by their national laws to engage in some gainful activity.”[[118]](#footnote-119)

For clarity and to provide further insight into the background and challenges, I have laid out four significant paragraphs within Zourek’s recommendations that were intrinsic to the shaping of the Convention and they are:

**Paragraph 75 - categories of consul:** Zourek questions if the draft convention of consular intercourse should include provisions concerning honorary consuls. He then refers to a report by the sub-committee appointed by the Committee of Experts for the Progressive Codification of International Law. He writes:

In the present stage of development of the institution of consuls and in the interest of the prestige of the career, the latter class of consuls should no longer exist… In point of fact, most honorary consuls of foreign nationality are far busier with their personal affairs than with those of the country which has conferred the title upon them, and as they generally engage in commerce in their consular area, they occasion appreciable loss to other merchants. The commercial invoices submitted to them enable them to obtain valuable information which is of great use to them in their private affairs. They are thus able to compete on an unfair basis with the traders in their area. Moreover, nationals of the country which appoints these foreign consuls do not obtain from them the protection to which they are entitled and which they would always obtain from a consul of their own nationality.[[119]](#footnote-120)

**Paragraph 76**: Zourek highlights that, in addition to comments by the sub-committee, the State which has appointed an honorary consul of a foreign nationality can exercise no effective control over his activities and in addition, should he perform his duties badly, the only practical remedy is to dismiss him.

**Paragraph 77:** In this section, Zourek states that historically states have been “far from unanimous” on the need to retain this type of consul. In support of this position he refers to Emerich de Vattel an international lawyer, who is most famous for his 1758 work The Law of Nations,[[120]](#footnote-121) and Sir Robert Phillimore[[121]](#footnote-122) who were opposed to honorary consuls, citing that the consul’s functions demanded that he should not be a subject of the state in which he resided.

**Paragraph 78**: Zourek references the 1927 questionnaire of the Committee of Experts, noting that a fair number of governments still employ honorary consuls and that in the questionnaire many opposed their abolition.[[122]](#footnote-123) Finland, Netherlands and Switzerland are included in the countries who were not in favour of the function’s abolition. In closing, Zourek noted that a large number of states refuse to accept honorary consuls and that an even larger number of States do not appoint them. A convention which contained provisions related to honorary consuls would certainly not be acceptable to these states. Nevertheless, the last of Zourek’s four points is perhaps the most important: it is the compromise which paved the way for the inclusion of honorary consuls in the final draft of the convention which was adopted by the UN. Effectively, Zourek’s compromise is that in order to reach international agreement, a special chapter devoted to honorary consuls would be required in the articles on consular intercourse and immunities; it would need to be clear that this chapter need not apply to states which do not appoint or accept honorary consuls. Zourek’s final draft was submitted by the ILC to the United Nations in 1960.[[123]](#footnote-124)

**3.2.3 The Codification of the law relating to Honorary Consuls in the Vienna Convention on Consular Relations 1963**

While many privileges and immunities are applicable to both the honorary and career consul, it is worth noting that a significant number of immunities and privileges have been drafted specifically for the honorary consul function. In order to fully understand the immunities and privileges provided for honorary consuls, one must focus on chapter III of the Convention which comprises Articles 58-68.[[124]](#footnote-125) Article 68 is particularly important in relation to the previous discussion insofar as it makes clear that: “Each State is free to decide whether it will appoint or receive honorary consular officers.”

Honorary consuls and career consuls share many immunities and privileges under the Vienna Convention. According to Article 58 these include the privileges and immunities of consular posts contained in Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39. Also, paragraph 3 of article 54 concerning the obligations of third states and paragraphs 2 and 3 of article 55 concerning respect for local laws shall apply to consular posts headed by an honorary consular officer.[[125]](#footnote-126) According to Article 58(2), certain of the privileges and immunities of career consular officers apply to honorary consuls. These are specifically Articles 42 and 43, paragraph 3 of article 44, articles 45 and 53 and paragraph 1 of article 55.[[126]](#footnote-127) Nevertheless, it is important to note that the protections and immunities of honorary consuls under the VCCR diverge in a number of ways from those of their career counterparts as detailed in Chapter III. Thus, the facilities, privileges and immunities of honorary consular posts are specifically governed by articles 59, 60, 61 and 62[[127]](#footnote-128), while the facilities, privileges and immunities of honorary consuls themselves are governed by articles 63, 64, 65, 66 and 67.

**3.2.4. Summary of the privileges and immunities of honorary consuls in the VCCR**

In spite of their specific inclusion in the Vienna Convention, honorary consular posts are given very limited privileges and immunities. Some of the obligations related to posts headed by a career officer are applied to honorary consuls, for example, the provisions on facilities, acquisition of premises, freedom of movement and communications.[[128]](#footnote-129) Whilst honorary consul premises are not inviolable, the receiving state is required to protect them from intrusion, damage or impairment of dignity: however, this section does provide for protections against demonstrations and to keep public order.[[129]](#footnote-130) Generally, many honorary consuls are based in business premises and will utilise their business premises as leverage for private or business purposes.[[130]](#footnote-131) Furthermore, they are unlikely to contain sensitive material from the sending state—and the important element related to the protection of sensitive documents states that the inviolability of consular archives is conditional on their being kept separate from the honorary consul’s private and business papers.[[131]](#footnote-132)

With respect to exception from customs duty, only specified articles are entitled to this exception. They include articles concerning the consular office, such as a coat of arms, office furniture and similar articles.[[132]](#footnote-133)[[133]](#footnote-134) Unfortunately for honorary consuls who enjoy entertaining, the parts of their official duties involving alcohol and other consumables for official entertaining are not tax exempt. For example, under Canadian law foreign missions, diplomatic agents and career consular officers are, at all times, authorized to import liquors and wine under a special tariff for official and/or personal use; however, the law makes special reference to honorary consuls noting they are not exempt "provided that such events are not hosted by honorary consular officers (who are generally Canadians or Permanent Residents).”[[134]](#footnote-135)

Honorary consuls are given the same limited immunity from jurisdiction as career consuls. They are not entitled to any personal inviolability although they are entitled to “such protection as may be required” by reason of their official position.[[135]](#footnote-136) The VCCR states that, if proceedings are instituted against them, they must be conducted with respect, so as not to hinder consular functions. The families of honorary consuls are accorded no privileges or immunities.[[136]](#footnote-137) The VCCR has not increased the status of honorary consuls above what is afforded under customary law.[[137]](#footnote-138)

The question of privileges for honorary consuls, their employees, and their immediate family members has long been debated. The main consideration is ensuring the integrity of state information and that those working for that state are protected under international law. The clearest distinction between honorary consuls and career diplomats is commercial activity - the latter being prohibited from pursuing commercial activities. The concept of immunity for honorary consuls should be directly related to the work they provide for the state.

The work undertaken and the space used to do this work should be protected under international law. In Chapter III of the VCCR, provisions for honorary consuls are clear and provide immunity only to work directly related to the sending state. This includes limited immunity related to work material, which is defined as consular archives and documents of a consular post headed by an honorary consular officer, which 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. Whilst some clear immunity must be provided to honorary consuls for work material only, it is clear that full immunity should not be provided and that only those working professionally for the sending state such as career consuls should enjoy this privilege.

As noted above, Article 68 of the VCCR makes clear that each state is free to decide whether it will appoint or receive honorary consular officers. Because they are usually not salaried and do not generally entail the costs of establishment abroad or of posting, they offer distinct advantages for the sending State in certain contexts, while they may possess a deep knowledge of local practices and attitudes. This has to be balanced by the likelihood of their lesser commitment to the interests of the sending state, together with the much lower degree of protection and immunity in which they must operate.[[138]](#footnote-139)

**3.2.5 Analysis of articles related to the honorary consul as provided for in the VCCR 1963**

This section will provide analysis of and highlight the significance of the VCCR to the honorary consul. It is not aimed at providing a comprehensive legal study of each article but is intended rather to provide insight into the relevance of these provisions, with the aim of supporting a stronger understanding of the legal framework which governs the honorary consul function. The structure of this section will lay out in a clear and simple manner all provisions related to the immunities and privileges afforded to the honorary consul within the VCCR.

**3.2.5.1 Articles that relate to the Honorary and Career Consul:**

**Article 28: Facilities for the work of the consular post**

The receiving state shall accord full facilities for the performance of the functions of the consular post. Article 28 gives overarching support for the honorary consul and indeed provides for basic bilateral relations and courtesies between states.[[139]](#footnote-140)

**Article 29: Use of national flag and coat-of-arms**

The honorary consul has the right to use the national flag of his sending state and coat of arms on the office building they occupy, their residence and the vehicle when used on official business: however, this article also noted that the exercise of this right should be within the laws and regulations and uses of the receiving state.[[140]](#footnote-141) This would generally be defined in the Ministry of Foreign Affairs consular affairs book: for example, it is defined in the Estonia (consular act)[[141]](#footnote-142), US state of Georgia protocol guide[[142]](#footnote-143) and Israel.[[143]](#footnote-144) Australia, for instance, believes it is useful for honorary consuls to “designate consular premises, including by display of the national flag and coat of arms of the country you represent.”[[144]](#footnote-145)

**Article 34: Freedom of movement**

This article applies to both career consuls and honorary consuls. Freedom of movement is guaranteed to members of consular posts headed by either category of consul. The VCCR is, however, unclear on the mechanism of ensuring that the freedom of movement of the honorary consuls is protected. Noting commentary from the World Federation of Consuls (Hon. K.S. Bhalla, Secretary General of the Honorary Corps Consulaire Diplomatique-INDIA, Chairman of the South Asia Region) a concern was raised that many states do not provide honorary consuls with special license plates,[[145]](#footnote-146) as they do for diplomats, which means it may be difficult for relevant authorities to identify the honorary consuls and therefore, they may not be inclined to provide freedom of movement.[[146]](#footnote-147) This article certainly leaves some ambiguity on the exact mechanism for honorary consuls to receive this right protected under Article 34 Chapter III of the VCCR.

**Article 35: Freedom of communication**

This article provides protection for official communication, focusing on the use of diplomatic couriers. It is important to note that Article 58.4, Chapter 3, also states that the “exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned”.[[147]](#footnote-148) Therefore, this article is relevant only under the express permission of the receiving state.

**Article 36: Communication and contact with nationals of the sending State**

When accounting his experience as a British honorary consul to Pattaya (1997-2010), Barry Keenan wrote that a great deal of his time was spent addressing UK nationals who were in prison.[[148]](#footnote-149) This article deserves greater promotion as this could be a highly valuable and required service that honorary consuls can provide to nationals of the sending state and support the concept that a consul’s primary focus is the protection of nationals. Art 36 (a) mentions protections for the right to communication between the honorary consul and the prisoner, as long as the prisoner is from the same state that the honorary consul is officially representing. Art 36 (b) provides that information about the national will be given upon request, without delay, should he be arrested, committed to prison in custody or detained in any manner additionally: “the said authorities shall inform the person concerned without delay of his rights.”[[149]](#footnote-150) Art 36 (c) “consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation.”[[150]](#footnote-151) They shall also have the “right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgement. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.”[[151]](#footnote-152)

This article also discusses the role of the consulate or consular agent (honorary consul) with respect to imprisoned citizens. In Chapter 8 of Satow’s diplomatic practice, Eileen Denza used the example of an imprisoned national to illustrate the distinction between a consul and a diplomat.[[152]](#footnote-153) Her chapter states that if a national of the sending state is arrested it falls to the local counsel, on being notified of the arrest, to visit him in prison; advise him how best to protect his interests; notify his relatives if he requests it; put him in touch with a local lawyer and interpreter; attend any criminal proceedings and perhaps repatriate him if he finds himself released without any funds.[[153]](#footnote-154) If he complains that he has been held for several months without charges being brought or that he has been brutally treated by the police, and there is no form of legal redress open to him, it is likely that the embassy will use its powers of diplomatic protection to make representation on his behalf to the ministry of foreign affairs.[[154]](#footnote-155) Denza’s example highlights that the consul or consular agent will address the individual rather than the policy issue.

In a UK parliamentary report, Prisoners Abroad (a NGO that supports British citizens who are imprisoned overseas) were recognised as receiving insufficient support.[[155]](#footnote-156) It was noted that British Honorary consuls were relied upon in terms of prisoner notification, yet lacked uniform training and lack of “notification regarding very serious issues”.[[156]](#footnote-157)

**Article 37: Information in cases of deaths, guardianship or trusteeship, wrecks and air accidents**

Article 37 for the honorary consul may be the most difficult and problematic duties within the scope of their service to the state. Article 37 states,

(a) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred; in turn the honorary consul has the obligation to inform the family or next of kin directly or to assist the consul or embassy with the dissemination of this information.[[157]](#footnote-158)

Barry Kenyon, British honorary consul in Pattaya from 1997-2010, dedicates an entire chapter (6) to the consular assistance he provided to British nationals who passed away in Pattaya, Thailand.[[158]](#footnote-159)

**Article 38: Communication with the authorities of the receiving State**

Article 38 is rather vague and provides for communication between the honorary consul and the “relevant” authorities within the receiving state. The article states, In the exercise of their functions, consular officers may address the competent local authorities of their consular district.

The validity of this article would present itself should the receiving state refuse to provide the honorary consul with responses to official requests or access to information and contact.[[159]](#footnote-160)

**Article 39: Consular fees and charges**

Article 39 provides tax exemption for consular acts within the receiving state. This article does not cover tax implications for purchases for the consul, which is covered in articles 60 and 62.[[160]](#footnote-161)

**Article 42: Notification of arrest, detention or prosecution**

Article 42 will provide communication by the receiving state to the sending state should it arrest or detain the honorary consulate: as we will see in chapter 6. This also is relevant in the case of the sending State wishing to remove the honorary consul from the post, which is discussed in Article 45 on the waiver of immunity and privileges. Further information regarding the rights and privileges afforded to the honorary consuls are outlined in Article 63 criminal proceeding.

**Article 43: Immunity from jurisdiction**

Article 43 provides protection from jurisdiction for official duties performed by the honorary consul (the exercising of consular duties).[[161]](#footnote-162) This would, however, not be applicable for civil contracts where the honorary consul did not expressly identify in the contract that he is an agent of the sending state.

**Article 44: Liability to give evidence**

Article 44 Chapter III is the only section applicable to the honorary consul specifically. It relates to the honorary consul not being required to give evidence on matters connected with the exercise of their functions or to produce official correspondence. The honorary consul may also decline to give evidence as an expert witness with regard to the law of the sending state.[[162]](#footnote-163)

**Article 45: Waiver of privileges and immunities**

Article 45 for the honorary consul is the same as for the career consul. The sending state may waive the privileges provided under the VCCR. This action is important as it must be made clear to honorary consuls that the limited protection they may be provided under the VCCR can be removed by the sending state. Privileges are granted to the state and not the individual. It is a matter for the two states to decide. Generally, when an offence has taken place, the host state will notify the sending state of the issue and the sending state will remove the honorary consul from the post, therefore waiving any immunities and privileges afforded under the VCCR. In a recent case in Canada regarding an honorary consul charged with assault, the sending state removed the honorary consul immediately.[[163]](#footnote-164)

**Article 53: A Beginning and end of consular privileges and immunities**

Article 53 is vague in the context of the honorary consul. The assumption is that the honorary consul is a resident of the receiving state (and indeed it is a requirement) therefore, this article would be presented for interpretation by the exequatur to the host state. The same would be for the termination of the post by the honorary consul.[[164]](#footnote-165)

In addition, Article 58.3 states that privileges and immunities shall not be applied to members of the family of the honorary consul nor employees.

**Article 54: Obligations of third States**

This article would be relevant to an honorary consul who is in transit on official business and carrying with him official correspondence. This correspondence should be separated from the private or business papers of the honorary consul to provide clarity on the purpose of the papers.[[165]](#footnote-166)

**Article 55: Respect for the laws and regulations of the receiving State**

Paragraphs 2 of Article 55 - although vague - could be interpreted that the honorary consular office should be representative of a consular mission and present as such.[[166]](#footnote-167) In addition to paragraph 2, we will find further clarity related to the premises of the honorary consulate: it is noted that the honorary consul may have other offices or institutions where the consular office is located. However, it stipulates that the consular premises must be a separate area for it to have protection under the convention. This article should be examined and understood by all honorary consuls as providing clarity, and separation can assist them in protecting the rights of the state they are representing.

This also will be useful in Article 61, as it will provide ample separation of consular archives. Article 55 paragraph 2 resonates with multiple press articles relating to an honorary consul using his premises as a gambling den, for example in Senegal or India.[[167]](#footnote-168),[[168]](#footnote-169) This certainly would be in direct violation of paragraph 2: “Not be used in a manner incompatible with the exercise of consular functions.”[[169]](#footnote-170)

**Article 59: Protection of the consular premises**

This article is relevant to any honorary consuls should there be a threat to the premises or protest such as a demonstration at the consul premises. This is exactly the same as for a career consul and consulate.

The threat of danger to honorary consul premises is real: a South African honorary consulate in Seattle, Washington, had 400 anti-apartheid protesters picket his home, 23 of whom were arrested.[[170]](#footnote-171) However, this article has not always been implemented. An honorary consul for Iceland in Scotland discusses how his premises was damaged by activists protesting whaling in Iceland: he noted that the landlord “kicked him out” because of the activists throwing paint at his lodgings.[[171]](#footnote-172)

**3.2.5.2 Articles related only to the Honorary Consul:**

**Article 60: Exemption from taxation of consular premises**

This article is very limiting, and specifies the “Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner”.[[172]](#footnote-173) The article would be relevant to an honorary consulate “renting” space from their sending state although, most honorary consulates are not in locations where the sending state has any presence, let alone owns property for renting.

**Article 61: Inviolability of consular archives and documents**

The inviolability of honorary consular premises is an article that commands special attention and consideration from honorary consuls themselves. The article provides for inviolability only when consular archives and documents are kept separate from personal documents: the article states “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”*.[[173]](#footnote-174)* The article would encourage all honorary consuls to clearly demark their consular documents, perhaps in a separate office or, where space is at a premium, a specific corner in one’s office or home.

For example, the Canadian Government has in the Guidelines for the Establishment of Consular Posts Headed by Honorary Consular Officers, very specific definitions and protocols regarding the separation of private documents from consular archives.[[174]](#footnote-175)

**Article 62: Exemption from customs duties**

There is a very limited tax exemption for honorary consuls, specifically from customs duties and taxes, as long as the material must not be purchased in the host nations. 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-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.[[175]](#footnote-176)

Commentary from Hon. K.S. Bhalla, Secretary General of the Honorary Corps Consulaire Diplomatique India, Chairman of the South Asia Regional Committee, addressing the conference noted that article 62 was merely “eye wash”, as the article would require the honorary consuls to import the relevant material from the sending state and import it to the host nation.[[176]](#footnote-177) This would include office equipment, books, furniture. In theory, the Secretary General felt that it was not economically viable and that Honorary consuls should be exempt from tax for all material to support and establish an honorary consulate.

**Article 63: Criminal proceedings**

Article 63 clearly establishes that honorary consuls will not receive immunity from criminal proceedings. It does however, provide language such as“Shall be conducted with respect due to him by reason of his official position” and” when necessary to detain an honorary consul the proceedings against him shall be “instituted with the minimum of delay”.[[177]](#footnote-178)

**Article 64: Protection of honorary consular officers**

Article 64 is clear about the protection of honorary consul officers, stating that“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”.[[178]](#footnote-179)

As noted above in Article 59, protection of consular premises in the event of a threat to the consular residence and or office in a similar fashion, the honorary consul is provided with protection as “may be required by his official position”.[[179]](#footnote-180) This article suggests that honorary consuls may from time to time be in danger, although it does not differentiate between political threats or general threats.

This article does provide clarity that it is the duty of care of the host state to provide protection when necessary. Unfortunately, there have been several cases where an honorary consul has been harmed or murdered, such as the British honorary consul to Jamaica, John Terry,[[180]](#footnote-181) the kidnapping of the British honorary consul in Rosario, Argentina (1971),[[181]](#footnote-182) and more recent cases such as Romanian honorary consul killed in El Salvador (2016)[[182]](#footnote-183) and the Lithuanian honorary consul killed in Ukraine (2014).[[183]](#footnote-184)

**Article 65: Exemption from registration of aliens and residence permits**

This article is complex because most states require the appointed honorary consul to be a resident. Most honorary consuls by design are employed or have business interests in the receiving state. For example, in French law, honorary consuls must be a permanent and tax-paying resident of France,[[184]](#footnote-185) this is also the case for Latvia,[[185]](#footnote-186) New Zealand, Switzerland (residency card B),[[186]](#footnote-187) and Peru.[[187]](#footnote-188)

**Article 66: Exemption from taxation**

This article makes it clear that an honorary consul can receive compensation from the sending state. The fact that the majority of honorary consuls are providing services as volunteers is customary.[[188]](#footnote-189)

Article 66 raises the point about compensation for honorary consuls. Firstly, that the honorary consul’s payment for services rendered from the sending state is tax free (national, regional or municipal) as well as highlights that honorary consuls can be paid from the sending state in the case of the UK (2300 pounds)[[189]](#footnote-190) and Canada (3,000 Canadian).[[190]](#footnote-191) However, according to Kevin Stringer, US based Canadian consulates receive 100,000 Canadian per year (for consulate staffing and expenses), while only a small honorarium is given for honorary consuls.[[191]](#footnote-192) This does show that honorary consuls can be paid, albeit a rather small honorary amount.

**Article 67: Exemption from personal services and contributions**

This article would be relevant to the honorary consulate with respect to jury duty “public service of any kind” and military obligations.[[192]](#footnote-193) The intent would be to protect consular representatives from engagement in military obligations during wartime.[[193]](#footnote-194)

**Article 68: Optional character of the institution of honorary consular officers**

“Each State is free to decide whether it will appoint or receive honorary consular officers.”[[194]](#footnote-195)

This is perhaps the most critical and important article in Chapter III. As noted earlier in this chapter, Zourek felt that the only method to include the honorary consul within the VCCR was to create a separate chapter and to have their appointment and hosting as optional in character.[[195]](#footnote-196)

Each country is free to decide whether it wishes to send or receive honorary consuls, and there are contrasting approaches. Large countries like the United States of America, the former Soviet Union and India have used the institution very sparingly, while China neither sends nor receives any honorary consuls. Gulf countries such as Qatar and the UAE do not send nor receive honorary consuls whilst Saudi Arabia, Oman and Kuwait do. The trend is moving towards more nations appointing receiving honorary consuls, and perhaps Zourek strategically positioning honorary consuls as optional allowed for the institution to gain inclusion based on merit and value, rather than obligation.

This chapter has traced the trajectory of the codification of honorary consuls in diplomatic law, and examined some of the miniature of the articles it contains. This demonstrates the complexity and nuance in interpreting and understanding the legal mechanisms encompassing the honorary consular function, which have legal and material ramifications. It is crucial that honorary consuls and - both sending and receiving - states familiarise themselves with the legal doctrine surrounding the institution. In the next chapter I will explore the contemporary use of the honorary consul and examine how states have incorporated the optional character of honorary consuls into their foreign policy strategy.

## Chapter 4: The Contemporary Use of honorary consuls

**4.1. Overview of honorary consuls in modern diplomacy and foreign policy**

In this chapter I will discuss the use of honorary consuls in contemporary diplomacy and intercourse between states. Harold Nicolson highlighted that diplomacy is not a synonym for foreign policy or negotiation and that it is the “process and machinery by which negotiation is carried out”.[[196]](#footnote-197) One could certainly include the honorary consul as part of the diplomatic machine of a state, although it is also important that we do not incorrectly conflate honorary consuls with diplomats. This distinction will be discussed further in Chapter 5, in my analysis of the titles, designation and protocol associated with the honorary consul.

The most important and straightforward purpose of a diplomatic mission is the representation of the home country in a host country. The ability for nations to communicate effectively relies on state representatives, but for many small and developing nations the ability to fund a permanent mission staffed by diplomats is near-impossible, both in terms of the financial requirement as well as internal capacity and expertise. It can be difficult to justify the allocation of limited government funds to maintaining an embassy or mission, particularly as the general populace is becoming more engaged in state policies and practices, often calling for a reduction in spending on foreign missions.[[197]](#footnote-198) The global recession has compelled a number of countries to scale back their diplomatic representation overseas by closing some of their embassies, making the honorary consul appear more attractive - although the economic benefit of the function has always been an attractive feature.[[198]](#footnote-199)

The value of the honorary consul is not enjoyed only by small or developing nations with economic restrictions: for example, Germany, a successful European country, has 350 honorary consuls[[199]](#footnote-200), the United Kingdom over 200[[200]](#footnote-201) and France has over 500.[[201]](#footnote-202) I will look at the wide spectrum of countries that accept and appoint honorary consuls; as well as nations like the United States who accept but do not appoint honorary consuls but is the largest host of honorary consuls in the world.. The aim of this chapter is to explore the role of modern-day honorary consuls by examining the current environment in which honorary consuls operate, as well as to examine the distinct use and adoption of honorary consuls between UN member states.

The ambiguity when it comes to the use and mandated focus of the honorary consul highlights the complex and diverse structure of international relations. A particular focus in this chapter is on the viability of honorary consuls within today’s changing diplomatic landscape. Dr Kevin D. Stringer’s[[202]](#footnote-203) research suggests that diplomacy is shifting into the “‘low politics’ arena [of] commerce, trade, tourism and the local level” as opposed to the “capital or national level.”[[203]](#footnote-204) This is particularly pertinent when considering different forms of celebrity honorary consul.

Stringer suggests that the emphasis is moving from large embassies to smaller, de-centralized consulates, with the institution of honorary consuls being of an ideal nature due to its “capabilities and cost-effectiveness [which meets] the need for expanded representational coverage, while providing a unique vehicle for trade, tourism and investment promotion.”[[204]](#footnote-205) Traditionally, they often have better access to the host state, as they are generally business leaders, wealthy members of the elite or notable and influential citizens of the host nation. The global trend signals toward greater dependence on the honorary consular function, with the number of states utilizing honorary consuls rising. Berridge notes that more states have resorted to honorary consuls since the 1960’s, including the Russian federation which has started to embrace honorary consuls, along with numerous states in the ex-Soviet orbit.[[205]](#footnote-206)

A recent report by the Diplo Foundation discovered that their numbers have grown to more than “20,000 worldwide...Estonia has 165, up from 100 only a few years ago. Iceland has 250. Among large countries, Australia, Canada and Russia are enthusiastic employers of honorary consuls.”[[206]](#footnote-207)The wide variety of states appointing honorary consuls is reflected in the backgrounds and profiles of the honorary consuls themselves. They range from business leaders to legal professionals, from well-to-do trust fund types, socialites and housewives, and unfortunately at times include questionable peddlers who seem to find their way to honorary consul posts and practice the so-called art of “dodgy diplomacy”; exploiting the trust-based nature of the function.[[207]](#footnote-208) While the honorary consular service may have been codified in the VCCR, honorary consuls remain on the margins of diplomacy, deemed by some to be essential but by others, dispensable and problematic.[[208]](#footnote-209) This Chapter will look at the diversity and highly subjective nature of the honorary consul post inclusive of their rights and privileges.[[209]](#footnote-210) The ability for the honorary consul to influence and support the interests of his sending state is a great merit when discussing soft power.

**4.2 Honorary consuls in perspective: Diplomatic perceptions**

Honorary consuls are widely posted and accepted by most UN member states and their diplomatic representatives. Commentary from foreign affairs ministries is positive and research suggests that states are giving honorary consuls more responsibilities. For example, honorary consuls are being given increasing responsibility in areas such as citizen services, business and economy, public diplomacy, and cultural promotion.[[210]](#footnote-211) Foreign affairs ministries of nations such as Norway and the UK are highly supportive of the institution of honorary consuls and are proactive in their approach to appointing and locating suitable candidates for this position.[[211]](#footnote-212)

Globally, many nations host conferences for their honorary consuls, where foreign affairs ministers speak to the importance of their role in the states’ policies and international engagement strategy. For example, the Foreign Minister of Estonia stated, “Estonia’s honorary consuls have a major role to play in introducing our state and culture in their own countries, as well as in fostering business diplomacy and helping Estonian citizens.”[[212]](#footnote-213)

In terms of diplomatic protocol and status, however, some would say that the honorary consul is at the “bottom rung” of the diplomatic and consular hierarchy.[[213]](#footnote-214) Giles Scott Smith noted that “the honorary consul may be the lowest on the diplomatic ladder (indeed, may not even be considered to have a foot on a rung at all) yet they can provide services in far-flung locations that could never receive the attention of more established diplomatic outlets.”[[214]](#footnote-215) In contrast, the World Federation of Consuls (FICAC) has been vocal about the need for more status and privilege, including amendments to the VCCR,[[215]](#footnote-216) requesting similar status and privilege as career consuls stating that “it passes understanding why honorary consuls, who are highly educated, widely experienced and immensely mature, and who serve for free, are not treated at par with career consuls in certain essential matters under the Vienna Convention.” [[216]](#footnote-217)

In contrast the World Federation of Consuls (FICAC) has concerns about status; one observer stated that the honorary consul is the “forgotten cousin”[[217]](#footnote-218) of diplomatic and consular representation and services. Regardless of the perceived social or political status in theory the honorary consul is capable of performing similar duties as a career consul and their status and diplomatic rank was defined after careful deliberation by the International Law Commission.

**4.3. Soft power and the honorary consul**

Harvard University Professor Joseph Nye coined the term “soft power”, which he defines as “the attractiveness of a country’s culture, political ideals, and policies.”[[218]](#footnote-219) Euripides L. Evriviades believes soft power applies most fittingly to the skill and craft of the consul, whose representation of his or her employing country rests on the attraction and appeal of the ideals and principles of diplomacy, rather than on the force of threat or the threat of force.[[219]](#footnote-220)

Honorary consuls are closely tied with soft power because they are often more strongly linked to the host state; sometimes being notable and influential citizens of the host nation. The ability for the honorary consul to influence, seduce and support the interests of his sending state is a question of great merit when discussing soft power. As the honorary consul may not have direct influence over capital investments, state-to-state policy and diplomatic ties between nations, their engagement will often utilise a charm offensive.

The concept of using the honorary consul as part of a soft power program is not new, and dates back to the Greek system of proxeny which used advocacy, hospitality and cultural promotion to support the image of the Greek state (see Chapter 2).[[220]](#footnote-221) Recently, a focused effort by the Canadian Government to promote ties with the United States enlisted the support of honorary counsels to “rebrand itself”.[[221]](#footnote-222) The Canadian Government added 13 new honorary consuls with the message that Canada was a “good neighbour, valuable trading partner and committed to continental security and the war on terror”.[[222]](#footnote-223) The Canadian honorary consuls hosted a barbecue to ease tensions over beef imported from Canada to the United States: while this was not a high-level diplomatic engagement it was indeed a great example of soft power.[[223]](#footnote-224) The Canadian example illustrates the importance of engagement and person-to-person contact in regards to soft power, which makes it perfect for utilisation by honorary consuls.

**4.3.1 The honorary consul and economic relations, the rise of economic diplomacy**

When it comes to commercial diplomacy, many states also see the honorary consul as a viable and significant tool to support and develop economic relations. For example, a recent report from the Ministry of foreign affairs in Finland states “In the future the Foreign Service must increasingly invest in the selection and guidance of honorary consuls. The right sort of honorary consul is, for example, a valuable resource in export promotion.”[[224]](#footnote-225)The use of honorary consuls to develop economic relationships between the host nation and their sending state is a consistent theme when looking at the motivation for honorary consuls worldwide. However, some academic studies question the value of honorary consuls in supporting trade and investment, on the grounds that econometrically speaking, the honorary consuls do not add value to trade promotion.[[225]](#footnote-226) However, the same study also concludes that the data collected is merely a snapshot and that it would take years to create a conclusive response.[[226]](#footnote-227) Most honorary consuls focus more on soft power and marketing their sending state rather than transactional or direct trading, which would fall under the domain of the trade attaché or economic counsellor situated in the embassy. Additionally, the study also questions whether the honorary consul should be directly involved in business deals between nations or if it is better that he serves more generally and peripherally, particularly at the risk of creating business conflicts between his role as consul and his personal life.

Huub Ruël writes that “even more than the career consul, honorary consuls are highly attuned to the development of commercial and economic relations”.[[227]](#footnote-228) Many states see the honorary consul as a viable tool to support economic relations. The role of economic promotion for the honorary consul is clearly established by the Irish Government, which has 100 honorary consuls and lists as one of the primary functions to “assist in the development of trade and economic relations with the country or region concerned”.[[228]](#footnote-229) Ruël also notes that, because honorary consuls are often from the business community, they have a natural empathy and understanding of the business needs of the host nation.[[229]](#footnote-230) This is becoming a greater function of the honorary consul as more states are mandating economic development as part of the core responsibility of their honorary consul.

In Latvia - which has 166 honorary consuls according to their MFA - the government took a more proactive approach by inviting the honorary consuls corps to Riga, Latvia, where they arranged for a business networking event with local Latvian businesses looking for international market access.[[230]](#footnote-231) The event hosted an impressive 119 honorary consuls from 58 countries, who represented Latvia's interests in all regions of the world, and is a functional example of a network of honorary consuls acting to serve economic interests.[[231]](#footnote-232)

Microstates - to be discussed later in the chapter - are a common adopter of the honorary consul corps due to the function’s cost-effective nature. For example, Kevin Stringer describes how Liechtenstein use honorary consuls for economic purposes: they have to enhance Liechtenstein’s “image as a world class manufacturing hub, create a more positive picture of its financial centre in light of recent attacks against supposed tax havens, and to serve sensitive foreign policy listening posts.”[[232]](#footnote-233) The Slovakian Ministry of Foreign Affairs focused on the importance of “economic diplomacy” in a recent report on their activities stating that “the economic diplomacy network also includes approximately 110 honorary consuls, a number which is constantly rising, which is one of the Foreign Ministry’s top priorities”.[[233]](#footnote-234)

Countries like Kazakhstan, which in 2017 gathered 84 honorary consuls in 45 countries,[[234]](#footnote-235) have been very clear about the role and value of honorary consuls to the Central European nations with respect to advancing the economy. They acknowledge the important role of honorary consuls in strengthening cooperation and attracting business partners to project and provide active assistance in attracting investments in accordance with an Economic Cooperation Road Map that is currently in development.[[235]](#footnote-236)

The Republic of Serbia has 75 honorary consuls abroad and hosts 27 consulates of foreign countries, headed by honorary consular officers, and has given significant focus to the development of economic relations through the use of the honorary consul. During an appointment ceremony, First Deputy Prime Minister and Minister of Foreign Affairs Ivica Dacic stated “The institution of an honorary consular officer has a rich tradition and is of great importance in the diplomatic and consular relations of the Republic of Serbia.”[[236]](#footnote-237) The Minister of Foreign Affairs stated that their new honorary consul in Greece “will focus his activities on revitalizing the economic cooperation as well as the cooperation in the areas of tourism and development of cultural and sports ties between the two countries.”[[237]](#footnote-238)

Research on honorary consuls highlights that each state will use or mandate their honorary counsels based on their specific needs and requirements. This is the prerogative of the sending state. Economic and investment promotion are important roles that a well-placed honorary consul has the capacity to support. Considering the trends explored earlier in this chapter, the reliance on honorary councils to support economic development is becoming more and more important.

**4.3.2. International presence and foreign missions**

Honorary consuls can be instrumental to expanding a nation’s international reach. States like Haiti and Hungary are counting on honorary consuls rather than opening new missions, particularly because maintaining foreign missions is a costly effort. They have to compete with nations who have an impressively high reach. For example, the United Kingdom has a consular presence in 99% of the world, according an FCO report on consular assistance to UK nations.[[238]](#footnote-239) For any nation, to account for the increase in tourism, expansion of business markets and the requirement to be present and accounted for globally, the honorary consul has become a viable and practical solution to provide both consular function as well as supporting export promotion, foreign direct investment and overall socialization of the nation through a physical presence.

**4.4. Current states using honorary consuls**

As noted by Stringer, the institution of the honorary consul, “due to its capabilities and cost-effectiveness, is an important part of this transformation [to an area of low politics and emphasis on the local level] as it seems to meet the need for expanded representational coverage, while providing a unique vehicle for trade, tourism and investment promotion.”[[239]](#footnote-240) To clarify, ‘high politics’ are based on a “simple interdependence scheme premised on national security”, while ‘low politics’ refers to a time ruled by a “complex interdependence based on domestic issues”.[[240]](#footnote-241) The shift in diplomacy to focus on low politics and local level engagement has potentially strengthened the significance and role of the honorary consul, due to the local network commanded by the honorary consul.

In this section I will explore a diverse range of states utilizing honorary consuls. It is important to note that each state has a specific protocol for appointing honorary consuls, as well as the specific use and mandates give to their honorary consuls. The lack of uniformity in diplomacy is not uncommon, as states often configure their own foreign policy operations. The honorary consul is, in some ways, an extension of this subjective and specific foreign policy of a nation.

**4.5 Case Studies from a geographic, and economically diverse spectrum of UN Member States**

**4.5.1 The United States of America**

The United States, because of its size and economic prosperity, is the biggest recipient of honorary consuls from overseas: there are over 1200 honorary consuls present at the time of writing.[[241]](#footnote-242) The US maintains 273 diplomatic missions of its own globally.[[242]](#footnote-243) The US does not appoint honorary consuls; preferring instead to use consul agents, discussed in the next section.[[243]](#footnote-244)

**4.4.1.1 US Consular agents**

US consular agents are “[persons] employed abroad by the Department of State for the purpose of performing certain limited consular functions.”[[244]](#footnote-245) Debates about the role and status of US consular agents can be found in both legal and non-legal academic literature. It is clear that the US consular agent forms a unique diplomatic category unto themselves. The US consular agent is distinct from the honorary because they are salaried but do not have any commercial or trade promotion roles.[[245]](#footnote-246) They are a hybrid between honorary consuls and traditional consular agents. For example, consular agents can be US or non-US citizens, and are not career diplomats: they have limited scope and are considered of the lowest rank.[[246]](#footnote-247) Often they are a designated foreign national, stationed at a place where no full consular service is established. The Secretary of State has the power to appoint them. While their role occupies an indistinct area, US State Department documents highlight the following with respect to the selection and appointment of the consular agent:

The person recommended for the position of consular agent must be of good reputation in the community, capable and reliable, with a clear concept of the nature of the work for which he or she will be responsible. The supervisory post should carefully review the candidate’s other business, affiliations, and interests to determine whether such service could create a conflict of interest, and to ensure that the candidate would not derive any inappropriate personal benefit as a result of his or her service as a consular agent.[[247]](#footnote-248)

The issue of business affiliations and conflicting interests is clearly addressed by the US Government. While many similarities exist between honorary consuls and US consular agents, the key distinction is their payment, which for consular agents is a good wage. According to federal guidelines for consular agents:

Taking into account the workload of the consular agent and local prevailing wage rates, consular agents will be paid between 20 percent and 95 percent of one of the 14 step rates of class 06 of the Foreign Service Schedule.**[[248]](#footnote-249)**

**4.4.1.2 Honorary consuls in the United States**

It is important to note that the US does not send honorary consuls but does receive them. The Department of State’s Office of Foreign Missions (OFM) holds the authority and responsibility for approving the establishment of consular posts in the United States, including those headed by honorary consular officers, as well as the appointment of honorary consular officers.[[249]](#footnote-250) A good example of a successful honorary consul program in the United States is described in a French-American magazine. The article explains:

Whether realtors, bankers, French teachers, interior designers, bakers, bloggers or milliners, there are 56 honorary consuls of France in the United States. These men and women act as intermediaries between the French embassy in Washington D.C., the ten consulate generals and the French citizens living in the American states and territories. They are made up of both French and American nationals and perform their duties on a voluntary basis.[[250]](#footnote-251)

The French honorary consular corps practice the fine art of cultural diplomacy, amplified by a range of cultural ambassadors. Uniquely French values and culture are refracted through the French government’s honorary consuls appointed to the US. The magazine’s description exemplifies the richness of the function and the many shapes it can take. This example utilises the reflexivity of the honorary consular function—particularly as forms of artistic and culinary soft power to mobilise the national identity on a transnational level.

**4.5.2 United Kingdom**

The United Kingdom has always used honorary consuls extensively: “The practice of imperial powers employing "native agents" in distant lands is as old as imperialism itself.”[[251]](#footnote-252) The British incorporated honorary consuls in outposts in Canada, Mosul, Baghdad and Muscat as early as the late 1700’s.[[252]](#footnote-253) At the time of writing, the UK has 224 honorary consuls globally.[[253]](#footnote-254) A recent parliamentary report gives insight into the British Government’s policies and practice with respect to the institution of honorary consuls. It defines them as:

Volunteers (paid a stipend) who help posts provide some forms of consular assistance to British nationals in areas where the FCO judges it does not require a full consular presence. Their duties may include crisis response, consular assistance, local authority liaison, or assisting official consular visits, but do not usually include routine consular services.[[254]](#footnote-255)

This distinction demonstrates that here, honorary consuls have less responsibility and play more of a supportive role to their official counterparts. The report highlights how a timely and appropriate response for disaster relief and citizen support during a crisis is partly enabled through the deployment of honorary consuls. A country’s priorities are evident in the honorary consuls they choose to appoint: in this instance, the UK has demonstrated an interest in consuls who will assist in disaster management. As previously discussed, the French government has shown preference for ambassadors of a culturally representative nature. This could be related to consular resources and the freedom to privilege different interests in foreign policy, as well as how a nation feels it is most productive to represent themselves abroad.

The report by the Foreign Affairs Committee provides a comprehensive analysis of the institution of honorary consuls and their role, appointment criteria, compensation and justification. The report states that:

Many [honorary consuls] are British expatriates who have lived overseas and have built up valuable local knowledge and contacts. Honorary consuls are potentially our public face in the crucial first hours of a crisis and are considered consular officers under the Vienna Convention on Consular Relations. They are a cost-effective way of maintaining a high standard of customer service. Other honorary consuls are host country or third country nationals with strong ties to the UK. They have a good standing in the local community, and many are also in paid employment elsewhere. Honorary consuls are paid a small honorarium (to an annual maximum of £2,300) in recognition of their services.[[255]](#footnote-256)

A web forumcreated by the FCO in 2014, aimed at British nationals who live and work abroad, demonstrated mixed views on honorary consuls. Some contributors were “writing rather scathing comments about the English language skills, effectiveness and knowledge of certain honorary consuls, while others have been highly complementary about particular individuals' work.”[[256]](#footnote-257) This demonstrates a need for consistent training for honorary consuls to ensure a good service is maintained.

There were also mentions of the conflict of interest with respect to the business activities of British honorary consuls. This was addressed in a Foreign Affairs Select Committee report on FCO Performance and Finances (2011-2012).[[257]](#footnote-258) The report stated “as honorary consuls are not our employees, there is no specific requirement for them to disclose their financial and business interests prior to appointment. They are however required to undertake a formal interview with the Embassy/High Commission staff prior to taking up their appointment, and to inform senior management at post of any perceived conflict of interest that may arise”.[[258]](#footnote-259) Their lack of formal employment puts the responsibility of disclosing conflicts of interests on the individual, and it is not verified or regulated.

Giles Paxman, former UK Ambassador to Spain, acknowledges that there are tangible business benefits to being an honorary consul:

It is also fair to recognise that being the British honorary consul gives you a certain status locally that you might not have. I think that it also gives you a certain amount of access to the local authorities that you might not otherwise get. So, if you are working, for example, as a local lawyer, it can be advantageous to your business also to be the honorary consul and have access to the mayor and the local authorities.[[259]](#footnote-260)

However, the UK’s honorary consular corps is highly praised. Sir Michael Jay, a British diplomat

writes that “honorary consuls do a fantastic job for us around the globe.”[[260]](#footnote-261) He also mentions the importance of a locally engaged member of consular staff working with the honorary consul for greater flexibility and cross-cultural co-operation. Barry Kenyon notes that, when he was serving as an honorary consul in Pattaya, the UK Government hired a locally engaged consul staff and that this person was responsible for all financial transactions (visa and other consular services).[[261]](#footnote-262) This raises the question of roles and responsibilities, and perhaps most importantly the UK’s government's relationship and confidence in the honorary consuls they appoint.

A Foreign and Commonwealth report on consular service revealed a number of assistance cases managed by the British honorary consul in Bali, noting that the British embassy in Jakarta is over 2-hour flight from Bali. The assistance cases managed by the British honorary consul in 2004-2005 were 120 including 7 deaths, 18 hospital visits and a number of highly sensitive cases including sexual assault.[[262]](#footnote-263) Clearly, this is a significant workload for a volunteer and highlights the civic responsibility and motivations for one becoming an honorary consul aside from the status and profile of the post.

An example of the UK’s use of the function to support overarching foreign policy and international relations arose during a House of Lords discussion on whether to introduce an honorary consul in the Pacific Islands region to “mitigate unnecessary expense and discouraging burden on legitimate travel”.[[263]](#footnote-264) The comments and recognition that an honorary consul would be viable for such a mandate highlights a trend by well-established larger nations to utilize honorary consuls in more remote locations globally.

Finally, another interesting aspect of the relationship between the UK and honorary consuls is the appointment process. The process occurs through a structured and transparent application process, similar in to any job application. The position and location are presented along with a full job description, roles and responsibilities, qualifications and skills essential and optional and honorarium. The application is via a website and the honorarium is 2,300 GBP per annum.[[264]](#footnote-265)

**4.5.3. Small States**

A memo produced by Finland's Ministry of Foreign affairs states that “honorary consuls are a resource worth motivating and taking good care of so as to promote Finland’s economic and financial interests, to assist Finns and to advance Finland’s visibility”.[[265]](#footnote-266)

Small States, in particular those located in Western Europe and Scandinavia, have been highly supportive and effective when it comes to using honorary consuls. For example, “in 1957 Belgium had 385 honorary consuls and 53 career consuls; the Netherlands 470 honorary consuls and 66 career consuls and Nordic Countries had 1896 honorary consuls and 94 career consuls”.[[266]](#footnote-267) As discussed in chapter 3, the Scandinavian and Western European states were highly supportive of the honorary consuls’ inclusion in the VCCR due to their economic benefits. This statement is still as relevant today, and when we review small states, economic viability is a huge factor: while “embassies and consulates obviously have a role to play honorary consuls, if managed and assisted professionally, [honorary consuls] may prove to be more cost effective then embassies.”[[267]](#footnote-268)

The Government of Haiti is now focused on developing a strong honorary consuls corps of well placed “subject matter experts” to work with their embassies rather than opening new missions, this trend is largely due to the high costs of diplomatic missions, and in some cases, a lack of trained diplomatic staff.[[268]](#footnote-269) It makes sense that even smaller states such as Antigua and Barbuda have been actively looking for viable honorary consuls. However, they have also taken significant efforts to mandate laws and statues which their honorary consuls must follow. The combination of governance and actively engaging with viable honorary consuls in the case of Antigua and Barbuda is proving to be a success.[[269]](#footnote-270) The Prime Minister’s support of honorary consuls as well as his administration's effort to increase transparency and accountability were noted in the Global Investor and immigration council report on diplomatic accreditation.[[270]](#footnote-271)

In an interview with the Prime Minister of Antigua and Barbuda Gaston Brown, he expressed confidence that honorary consuls are effective to support his island nation’s foreign policy.[[271]](#footnote-272) The Prime Minister was quick to report that he is fully supportive of a large honorary consular corps, but stated that they would have to coordinate with him to ensure they are aligned and are given a proper level of support.[[272]](#footnote-273) The Prime Minister, like many heads of state, is looking for ways to increase his nation’s global footprint and engage with non-traditional diplomatic regions and nations.

In an interview, the Foreign Minister of Haiti noted that Haiti has a strong honorary consul corps however, he is now planning on amplifying his honorary consul corps and is now looking to increase the number from 22 to 50.[[273]](#footnote-274) In addition, he is also looking to develop a training program for the current and new honorary consuls. He noted during the interview that he believes honorary consuls are key to giving Haiti increased international presence as well as the value-adding soft power which he felt is much needed.

The use of honorary consuls should not only be cost-saving for a state, but a way of obtaining greater "ground truth", local expertise and finding key individuals with unique skill sets to support foreign policy.

**4.5.4 The Hungarian example**

The Hungarian Ministry of Foreign affairs supported the research related to this thesis, as the government wishes to understand potential requirements for enhancing their engagement with both local honorary consuls appointed to Hungary, as well as their own honorary consul corps. Hungary, a small country with a population just shy of 10 million, makes extensive use of the honorary consular system in conducting foreign affairs policy objectives. According to a recent government publication, there are 237 Hungarian honorary consuls operating abroad.[[274]](#footnote-275) The Hungarian framework for sending and receiving honorary consuls is outlined in the Decree of the Minister of Foreign Affairs no. 5/1995 (III.24) [[275]](#footnote-276) This Decree lists the facilities, immunities and privileges of honorary consuls while referring to the particular articles of the Convention, and as a general rule, sets forth the following:

Consulates headed by honorary consuls can be established in accordance

with the provisions of the Convention, honorary consular officers can be received in accordance with the provisions of the Convention.[[276]](#footnote-277)

Dr György Suha wrote that “in the present economic setting, the institution of honorary consuls is beginning to be recognized more highly than before.”[[277]](#footnote-278) According to Dr Suha, continuing to develop the institution of honorary consuls in Hungary will result in the creation of a highly effective mechanism that helps execute successful strategies of trade and foreign policy.

What makes the Hungarian honorary consul network unique is that it has a significant diaspora who are appointed to represent Hungary as Honorary consuls. During an interview with Dr. Suha, Minister of State for the Foreign Ministry of Hungary, he noted that the Hungarian Honorary consul network is over 230 Honorary consuls located in most of the countries in the world.[[278]](#footnote-279) The strategy for the Hungarian Government is to appoint well placed honorary consuls with a focus on economic development as well as to support nationals of Hungary who are in need of consular assistance.[[279]](#footnote-280) An important comment made by Dr. Suha is that he believes Hungary will appoint about 10 new honorary consuls in the next year and that they are given more responsibilities once the appointed honorary consul has shown potential and capacity.

The operation of foreign honorary consular offices within the country and of Hungarian offices abroad does not burden the budget of the foreign ministry, as honorary consuls generally perform their tasks without financial remuneration. Perhaps more importantly, the institution of honorary consuls has provided Hungary with a vital economic, scientific, cultural, and tourism network that connects it with the rest of the world.[[280]](#footnote-281) Dr. Suha, Ministry of Foreign Affairs noted that the Hungarian Government has seen significant benefit from having a well-placed geographically diverse honorary consul corps. As of 2019, the Hungarian foreign ministry is activating honorary consuls in new and emerging markets for Hungary in particular in Africa, Pacific Islands and Latin America.[[281]](#footnote-282)

**4.5.5. Microstates and honorary consuls**

Smaller states’ requirements for honorary consuls based on practical and financial considerations was part of the rationale that Zourek used in the ILC to justify the function and include them in the Vienna Convention; some microstates rely almost entirely on consular representation for their links to the outside word.[[282]](#footnote-283) For such states the institution of honorary consuls is an economical means of achieving representation on a scale otherwise unlikely. According to the definition proposed by Dumienski, microstates are “modern protected states, i.e. sovereign states that have been able to unilaterally depute certain attributes of sovereignty to larger powers in exchange for benign protection of their political and economic viability against their geographic or demographic constraints.”[[283]](#footnote-284) A microstate - or ministate - is a sovereign state with a very small population or land area, usually both. The meanings of "state" and "very small" are, however, not well-defined in international law. For the purposes of this thesis I will focus on the Solomon Islands and Liechtenstein, which are two ideal and well-researched case studies.

Stringer noted that for microstates to even staff embassies globally in 200 locations it would make a significant dent in the population. Of course, the point is intended to highlight the reality of a microstate operating within the international community and the complexity both economically and in capacity to maintain and support diplomatic missions in a similar fashion as larger states. Hence, the ability of honorary consuls to fulfil a function that would not preclude a microstate from active engagement through the establishment of honorary consul posts globally. Foreign policy is competitive and countries or nations that wish to exercise power not only through a regional or multilateral approach but through their presence globally at events and summits. Honorary consuls are instrumental in allowing microstates to compete in world affairs, achieve sovereign status and protect the state’s sovereign neutrality without them having to be dependent on larger - and potentially biased - nations to provide their budget. This is one area where aid money is a morally conflicted area, capable of influencing political actors’ decision-making: indeed, larger nations donating or funding the missions of other nations lose their independence and neutrality, although this is blurred in the instance of microstates.[[284]](#footnote-285)

**4.5.6 Solomon Islands**

A small collection of pacific islands, the Solomon Islands has a rather small diplomatic mission footprint. According to their Ministry of Foreign affairs, the Solomon Islands has 12 diplomatic missions with 20 honorary consuls.[[285]](#footnote-286) The country however, under the Prime Minister Manasseh Sogavare, is considering the recruitment of further honorary consuls. In an interview with the Solomon Island’s Ambassador to the European Union, he stated “The Solomon Islands has a rich history of international engagement; however, our focus was mainly regionally and within the UN system, today we must look at new markets to expand our traditional partnerships.”

The key focus areas for The Solomon Islands are tourism and foreign direct investment: finding a well-placed honorary consul who is active in the business community would help them gain valuable insight into the market as well as the ability to promote their nation to a key demographic. According to the Ministry of Foreign affairs of the Solomon Islands, the island hosts 8 honorary consuls and one consular agent (US).[[286]](#footnote-287) Solomon Islands embassies are focused around the pacific region, with consulates and permanent missions in Geneva and Brussels. However, the State is preparing to interview and appoint honorary consuls in Hungary and several in Western Europe, with plans to look for an honorary consul to represent the Solomon Islands in Africa, and the Middle East.[[287]](#footnote-288)

**4.5.7 Liechtenstein’s honorary consuls**

Liechtenstein, with a population of 34,000, has only been using honorary consuls since 2007. However, their foreign policy has quickly incorporated honorary consuls as a valuable and much-needed tool to achieve their goals and outreach. Liechtenstein has not established any consular missions itself—largely because of its representational agreement with Switzerland—but nearly all states accredited to the Principality are at the consular level; indeed, Switzerland has “been responsible for safeguarding the interests of Liechtenstein and its citizens abroad since 1919.”[[288]](#footnote-289)

Liechtenstein decided to establish honorary consulates in 2004, and began appointing them in 2007-2009 to fill representational voids in foreign policy strategy.[[289]](#footnote-290) Stringer explains the core function of Liechtenstein's honorary consuls as achieving “far-reaching public diplomacy, brand development, and educational role designed to increase knowledge about Liechtenstein in their respective countries.”[[290]](#footnote-291) They have to enhance Liechtenstein’s “image as a world class manufacturing hub, create a more positive picture of its financial centre in light of recent attacks against supposed tax havens, and to serve sensitive foreign policy listening posts.”[[291]](#footnote-292)

The Liechtenstein model for honorary consuls focuses on public image and public diplomacy rather than consular functions, such as visas and passports. Ambassador Claudia Fritzsche[[292]](#footnote-293) comments on the need for honorary consuls to extend beyond their Embassy, giving insight into the focused scope the Government of Liechtenstein has mandated for their honorary consul corps:

In Asia, where Liechtenstein does not have any diplomatic representation, honorary consulates help supplement the higher frequency of diplomatic visits. With such high-level visits – sometimes accompanied by business delegations – Liechtenstein has placed greater emphasis on cultivating bilateral relations with Asian countries in recent years.[[293]](#footnote-294)

This is an example of small states being able to pioneer and foster relationships in new markets, and serving as true foreign affairs envoys, which perhaps the Greeks had identified many centuries ago.

When considering the need for sovereign nations to have equality with respect to diplomatic presence, it is simply not viable for many small and developing nations to have the global presence of superpowers like the United States, China, and Germany. According to The 2017 Lowy Institute Global Diplomacy Index - which visualizes the diplomatic networks of 60 G20, OECD, and Asian nations, allowing users to view and compare some of the most significant diplomatic networks in the world - the United States is ranked #1 with 273 Diplomatic posts comprising of 167 Embassies, 90 consulates, 9 permanent missions, and 7 other representations.[[294]](#footnote-295) Second is China with 268 Diplomatic posts, 166 Embassies, 90 consulates, 8 permanent missions, followed by France and Russia.[[295]](#footnote-296) At the lower end of the scale are states like Bhutan, with only 8 total diplomatic posts, 5 Embassies, 1 consulate, and 2 Permanent missions.[[296]](#footnote-297) It is almost impossible for these nations to compete with such uneven diplomatic representation.

The honorary consul's vital role in supporting interstate dialogue and economic diplomacy is best illustrated when looking at a nation like Antigua and Barbuda or the Solomon Islands. The ability of these nations to have capable global representatives aimed at supporting the foreign policy directives of the Government provides a viable, cost-effective and substantive tool for the respective Foreign Ministries.

**4.6 Conclusion**

This chapter draws attention to the wide-ranging use of the honorary consul by a diverse group of nations. As the saying “horses for courses” outlines, the application of the honorary consuls is distinctive between governments, with the UK and Germany focused on citizen support and emergency support in the case of natural disaster, whilst many microstates are more concerned with economic and public affairs roles. A key factor is that most states recognize a need and a value in appointing the honorary consul. Both Haiti and the Solomon Islands are examples of states finding that active recruitment of well-placed honorary consuls is significant for improving the international reputation for the investor community, having a dynamic spokesperson to advocate and promote their nation in key regions globally. One thing is clear from the research, and that is that honorary consuls will continue to play a role - be it large or small - within the fabric of international affairs. In Chapter 5 we will look at the overarching reputational and branding issues that the honorary consul institution faces.

## Chapter 5: The Public Image of the honorary consul

**5.1. Introduction**

The purpose of this chapter is to defend the public image of honorary consuls, in doing so advocating for better and more centralised training facilities. I will explore some of the muddier areas of their identity: whether or not they are diplomats, negative media perceptions, arguments for and against the function, and the role of corporate outsourcing in modern diplomacy. Exploring the range of misconceptions surrounding the institution will allow me to defend the need for greater understanding, paving the way for greater status through training and supervision, to cement their role in international law. In particular, I will provide an outline of the difficulty in delineating between career and honorary consuls, and the importance of doing so; an exploration of the perceptions of the honorary consul in press and the media, as well as examining the attitude of various government actors on the subject; an examination of how the institution can be seen as an excellent resource in a shifting, modernising landscape, and the challenges to the utility of an antiquated tradition in a rapidly unstable and shifting modern landscape; and a call for improved training of honorary consuls to maximize their role and increase their status in public perception.

**5.2. Honorary consul - criminality and negative media, a brand in crisis?**

The honorary consul has attracted significant media attention in recent years. For example, in November 2012, *Foreign Policy* published an article about the controversy surrounding Jill Kelly, a Florida “fixer” who was appointed as the honorary consul for South Korea.[[297]](#footnote-298) The story concerned Ms. Kelly’s affair with then CIA Director David Petraeus, which led to the downfall of Petraeus and the removal of Ms. Kelly from her role by the Korean government.[[298]](#footnote-299) This brought significant public interest to the position of the honorary consul and the US honorary consuls corps.

The Jill Kelly case, like many others involving honorary consuls, attracts the curiosity of the media wishing to unveil the elite world of diplomacy and privilege; and for this reason, an honorary consul may suffer heavier scrutiny than a standard businessperson, due to their title, position and implied access to power and influence.[[299]](#footnote-300) Certainly, the sending state would therefore want someone that represents their state with a high level of honour and integrity. For example, the Canadian Government’s Office of Protocol of the Department of Foreign Affairs, Trade and Development (DFATD), when recruiting honorary consuls stipulates the following:

Diplomatic missions should avoid controversial or politically active persons, or persons whose professional activities might otherwise interfere with the effective discharge of consular functions.

More broadly, proposed candidates should also be persons of good standing and reputation in the local community. A capacity to maintain good relations with local government authorities is also an important consideration.[[300]](#footnote-301)

The Canadian Government’s statement provides a clear view of their desires for the chosen candidate based on capacity and a transparent appointment process. This standard is not uniform across all nations and those who slip through the cracks may weaken the reputation of the institution of the honorary consul and inhibit the overall function. The reputation of the honorary consul is closely entwined with that of the sending states. For many small and developing nations, the risk of appointing an honorary consul without proper due diligence, background checks and reputational assessment has been the cause of much debate and calls for oversight and reform - internally and externally.[[301]](#footnote-302)

There has been a smattering of media reports over the decades involving unfortunate actions taken by honorary consuls around the world. Transparency International noted that In October 2011, the then President of Zambia was forced to revoke the appointment of a Swiss national as ambassador to UNESCO, for alleged involvement in a gold scam.[[302]](#footnote-303) Grenada came under fire a few years previously in 2007 for appointing a convicted fraudster from the Bahamas and the US as an ambassador.[[303]](#footnote-304) Meanwhile in Croatia, the government was stung by accusations that the honorary consul of Croatia to the Swiss Confederation, a doctor, was implicated in a scandal involving sexual assault of a female patient.[[304]](#footnote-305) France’s honorary consul in Turkey resigned after she was found to be selling rubber dinghies and life jackets to refugees seeking to cross the Mediterranean to Europe.[[305]](#footnote-306) And Singapore police arrested Senegal's honorary consul on charges of running an illegal casino.[[306]](#footnote-307)

In my research, it seems that many of the accusations of criminality, corruption and bad press are not limited to small developing nations. Honorary consular status has also been used to attempt to evade justice. The link between corrupt governments and the appointment of honorary consuls is one that organizations such as Transparency international and the ICIJ have investigated in recent years.[[307]](#footnote-308)

**5.2.1. Investigations of honorary consuls**

The International Consortium of Investigative Journalists (ICIJ) is an independent international network based in Washington, DC.Launched in 1997 by the “Centre for Public Integrity, ICIJ was spun off in February 2017 into a fully independent organisation which includes more than 200 investigative journalists and 100 media organizations in over 70 countries”.[[308]](#footnote-309) They featured the institution of honorary consul in an expose entitled: “Quasi-Diplomacy Wanted: honorary consuls For ‘Cash-Strapped’ African Nations,” which disparages honorary consuls operating in Africa and interrogates the institution in general.[[309]](#footnote-310) The article highlights the US State Department’s requirement for “honoraries to perform meaningful duties”, which was discussed in Chapter 4:

The goal was to avoid having a group of people with titles but no responsibilities, freelancing, acting as independent agents and cutting deals on their own,” said Larry Dunham, a consultant with Protocol Partners and the State Department’s former assistant chief of protocol.[[310]](#footnote-311)

The article has a bleak assessment of the appointment process for honorary consuls, drawing attention to a lack of regulation but also casting them as elitist and appointed through nepotism:

Honorary consuls, also known as “honoraries,” occupy a little-known niche in the global elite. They are loosely regulated, generally unpaid, part-time public officials chosen for their economic and political clout – or sometimes for a favour done or a donation made.[[311]](#footnote-312)

Transparency International in a report aptly titled “Dodgy Diplomacy” calls for the registration of honorary consuls who are not citizens of the sending state:

There are no registers that list how many non-nationals are appointed ambassadors and honorary consuls for countries where they are not citizens. History shows, however, that strict due diligence is not always carried out.[[312]](#footnote-313)

The next section will discuss the source of poor public perception: the ease with which the honorary consular function may be exploited, and its need for regulation to ensure it is utilised for the benefit of the state.

**5.3. A call for regulation: mediating conflict of interest**

At present, the honorary consul appointment requires neither formal training nor certification and instead relies on a diverse range of due diligence protocols from appointing states. However, the level of integrity in this function should not be underestimated. I have dealt briefly with conflicts of interest, but I would like to explore the issue further. Under the UK FCO, the onus of disclosure is on the individual, as they are not employees of the British Government.[[313]](#footnote-314) Other bodies have dealt with this in different ways. Arnold Foote, President of the World Federation of Consuls, stated that his organisation makes a distinction between routine consular duties—notarising documents and handing out passports—and separate business activities.[[314]](#footnote-315) This fragmentation of the separate roles of the honorary consul fractures an already indistinct function and demonstrates how there needs to be standardised guidelines for this practice.

A 19th century example related to unfair business advantages by honorary consuls or at the time merchant consul (*Consul electi)* was discussed in 1835 by Thomas de Grenrier de Fonblanque, British Consul in East Prussia. He noted that the *consul electi* was able to gain insight and information regarding impending wars or revived intercourse and therefore, was able to use this information to focus on particular imports or exports—thus giving the *consul electi* an unfair advantage.[[315]](#footnote-316) The concern was significant enough that the British Government eventually replaced merchant consuls (honorary consuls) with salaried consuls.[[316]](#footnote-317) This historic anecdote highlights that should a conflict of interest arise, it may have negative implications on the appointment of honorary consuls.

In modern consular intercourse, the concept of honorary consuls obtaining an unfair advantage is explored by FICAC. In fact, they outlined the following in their Guidelines for honorary consuls (Approved by Board of Directors of FICAC at its meeting in Milan on 21 May 2010):

**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.[[317]](#footnote-318)

The issue of conflict of interest was summed up very well by Ambassador Giles Paxman as he noted that “It is fair to recognize that being an honorary consul gives you a certain status locally that you may not have… as well as access to local authorities and it may be advantageous to your business.”[[318]](#footnote-319) Noting that the motivation for honorary consuls was not strictly financial, Ambassador Paxman raised the need for greater transparency in business interests for those applying to be an honorary consuls.

The Canadian Government, when recruiting potential honorary consuls, dictates the following: “Consideration will not be given to candidates who may have a real, apparent or potential conflict of interest.”[[319]](#footnote-320) However, a clear protocol should be given to honorary consuls with respect to business dealings. The “protections” provided to nationals of the sending state are closely aligned with the capacity and expertise of the honorary consul in question. If the honorary consul is not trained or able to support a national of the sending state - as they would be as a career consul - then this is an issue and the protections (consular support) cannot be guaranteed to the national. An untrained honorary consul cannot give the same level of support as a trained career consular officer. This disparity in training has even been addressed by the FCO which, in a recent report regarding support for prisoners by honorary consuls, “calls for clearer guidance on the merit and responsibility of honorary consuls” as well as highlighting that the “British honorary consul corps [lacks] consistency in training and supervision which has led to issues related to consular notification in serious cases.”[[320]](#footnote-321) The call for supervision, oversight and active engagement between the sending state and the honorary consuls appointed to represent the nation is perhaps the most demanding aspect of improvement for the honorary consuls corps. With strong leadership, training, and a sustained effort to engage with the honorary consular corps, the sending state will certainly improve both the performance of the honorary consul corps but also provide nationals of the state with the best quality of consular service.

**5.4. Training and Education for honorary consuls**

By definition, the honorary consul is not a professional consular officer and, in most cases, lacks formal education on consular function, diplomacy and international law, as well as protocol with respect to consular intercourse and foreign policy. Being able to address government protocols, visa issuance, prisoner visitation and support of nationals in the event of an emergency should require a level of education and nuanced knowledge that is not currently being ascertained. Common sense and local knowledge may not be sufficient to provide comprehensive support to nationals.

Many states have publicly identified the need for education. The Nigerian foreign service has commented that honorary consuls have no training as a consular or diplomatic officer, and the Foreign Ministry of Finland stated that the honorary consuls “need to be educated.”[[321]](#footnote-322) The UK FCO have called for greater training and have also enacted change: Sir Michael Anthony Arthur, a former senior British diplomat and Ambassador to Germany 2007-2010, noted that the FCO are improving honorary consul selection and training.[[322]](#footnote-323) The FCO’s training program for honorary consuls consists of three e-learning courses with the supervisor determining if further training is required for individual cases.[[323]](#footnote-324) Though many states are presently calling for more training of honorary consuls, it seems that practical responses remain distant, as most states are comfortable in the local expertise and knowledge of the honorary consuls. Canada holds one-week courses in Ottawa for all its newly-appointed honorary consuls and Australia holds regional training; nations such as Norway, Sweden, Finland and Iceland host conferences aimed at training and capacity building for honorary consuls, but such arrangements are not standardized world-wide.[[324]](#footnote-325) Such conferences would have huge benefits by being more widely and commonly used, particularly as they allow honorary consuls to meet, network and keep up to date on local foreign policy.They also foster and encourage a sense of *esprit de corps.* It could be argued that selecting the correct honorary consul is an even more important and potentially impactful decision than selecting a diplomat, because of the unique influence and status they wield.[[325]](#footnote-326) For this reason more guidance and education about their potential benefit to the sending state should be given, to allow the function to be properly utilised.

**5.5. Outsourcing consular functions**

The honorary consul is distinct from outsourcing consular services.**[[326]](#footnote-327)** The honorary consul is an extension of the consular network and service: a public representative in places where a consul office is not viable. The honorary consul is an ancient fixture within contemporary consular intercourse, and in an era of globalisation and interconnectivity the role of the honorary consul has expanded far beyond its original aims. These duties have expanded to include the promotion of trade and commerce, the development of tourism, and in some cases, opening a channel of direct dialogue between nations.[[327]](#footnote-328) When we look at the use of the honorary consuls during natural disasters we find evidence of a strong working relationship between the honorary consul and the sending state. For example, Australian Foreign Minister H.E Farmer stated in a news report:

Mr Stevens is concurrently honorary consul to North Sumatra, and he played a major role in assisting the Australian Embassy in Jakarta coordinate the arrival and transfer of urgently needed relief efforts after the 2004 Tsunami.[[328]](#footnote-329)

That the consul is able to be a “friendly” face in a crisis has long been a key factor and benefit of the function. The FCO focuses its honorary consuls on disaster relief, victim support and care of nationals rather than promotion of trade, tourism and policy. Their reasoning is that the locally engaged honorary consul is better equipped to address consular emergencies due to better language and local knowledge.[[329]](#footnote-330) Another example of consular outsourcing is the business relationship between the FCO and VFS Global. Around the globe, VFS provides a range of administrative services as part of the visa application process. They issue visas stating that the UK Border agency has a commercial relationship with VFS. [[330]](#footnote-331) However, the outsourcing of consular services to commercial entities like VFS has been criticized for its lack of security protections, support,[[331]](#footnote-332) aftercare and general client management.[[332]](#footnote-333),[[333]](#footnote-334)

**5.6 Conclusion**

The training of honorary consuls is a topic that demands further investigation, reporting and recommendations for reform. The lack of education related to consular duties, the Vienna Convention, and international law, is something that I will explore in the annex, during the empirical research on the Hungarian honorary consular corps.

In practice, it is the responsibility of the sending state to support both initial as well as follow-up training, and the ongoing assessment of requirements due to climatic, geopolitical or cultural changes. As policies change and foreign policy changes, the honorary consul may be faced with additional challenges. Without training from the sending state, the honorary consul will be ill-equipped to support those nationals requiring consular assistance. In addition, the host nation can and should play a role in supporting the education of honorary consuls. The host nation can focus on specific issues, such as how to assist proper consular intercourse and engagement. The host nation can be a true host and make the mission of the honorary consul more successful by providing him or her with the ability to perform their job better.

Regardless of the responsibility of sending or receiving state, a well-trained honorary consul is a better honorary consul. When both the sending and receiving state invest in the education of the honorary consuls, we will see a far more capable and effective corps, which everyone - citizens and wider population included - will benefit from.

## Chapter 6: The Honorary Consul, a final reflection on the practice

Honorary consuls will surely remain an important and valuable part of diplomacy for decades to come. G. Berridge asserted that “despite the arrival of virtual consulates, flesh-and-blood honorary consuls are not in retreat; on the contrary.”[[334]](#footnote-335) With many powerful states utilising honorary consuls across the globe, I am confident that they have a strong foothold in global diplomacy which will only increase with a nostalgia for authentic human interaction in a world of rapid automation. However, calls for modernisation and reforms mentioned in this thesis warrant further engagement from practitioners — including academic and consular scholarship. This thesis has highlighted the rigour and validity of the function, while demonstrating that there are ways it can be strengthened to protect consuls, states and citizens alike.

My perception of the honorary consul shifted during this research process. I initially held the cynical assumption that those seeking or holding appointment had self-serving intentions, such as commercial inducement or social status. However, through investigation and research I was able to see the pride and effort with which the honorary consul operates in this unique area of the socio-political sphere. The advent of social media has given the honorary consul useful, cost-effective tools to promote and broadcast their activities to both the general public and host and sending states. As social media continue to expand, this will allow for more opportunities for cooperation, accountability and engagement.

The UK FCO stated that “the unique value of the honorary consul derives from their ability to provide support to nationals in key tourist locations and difficult areas.”[[335]](#footnote-336) The value of a nation’s flag flying in remote locations is not to be understated, in particular during times of crisis such as a natural disaster or terror attacks, as we have seen in recent years—for example the typhoon in the Philippines or most recently in New Zealand and Sri Lanka following the horrific terror attacks. The fact that honorary consuls were active, supportive and effective during moments of crisis is an excellent justification for their existence.

Ambassador Giles Paxman stated that the honorary consul is now a resource for “first advice in times of crisis,” especially when budget or capacity constraints infringe on the ability to open and staff embassies and consulates.[[336]](#footnote-337) One of the recurring questions of the thesis is: are those appointed as honorary consuls prepared, trained and equipped to serve in such a time of crisis? Do they require more officialised and standardised training? Citizens deserve the highest level of consular support and care, in particular when seeking the support of an honorary consul abroad. For this reason, the honorary consuls need to be adequately equipped to offer that protection and assurance.

The study I conducted in the annex in cooperation with the Hungarian Ministry of Foreign Affairs allows for a greater understanding of those who are drawn and motivated to the honorary consular post. The people I interviewed were successful, well-educated, worldly and inquisitive. Notwithstanding this, a resounding majority of the honorary consuls who participated in the study requested more education and skills training.

The duty of care to provide a comprehensive training syllabus for appointed honorary consuls may seem simple and under the responsibility of the sending state—after all, they are representing that state. Despite this, it is clear that some nations, particularly small or economically challenged states, do not have the capacity to effectively fulfil this requirement either in terms of budget or staffing. The question of responsibility when it comes to the training of the honorary consuls should be the basis for further study, as ultimately a well-trained honorary consul is in the best interest of all involved states, organizations, and citizens. During my research I discovered that many honorary consuls proactively seek their own reference material to prepare themselves for the role, as the onus is on them to prepare. The research group in question had been willing to fund their own education independently of the state.

Perhaps the most viable and sustainable solution is to require those appointed to fulfil a certified training program with oversight by a series of major universities or accredited diplomatic academies. Offering online programs could also remove the limitations of geography, resources and availability. An award or the presentation of a certification would seem appropriate to validate their efforts. I explored the concept of a certified training program for honorary consuls during my engagement with foreign affairs ministries and honorary consuls, including those seeking appointment. Resounding agreement and approval supports the theory that this is a necessary reform that should be adopted globally. Ultimately, if concerns regarding adequate regulation and certification were addressed, then the overarching results could be transformational to the institution of the honorary consul and diplomacy worldwide.

This thesis has allowed me to fully understand the providence of the honorary consul through history and to comprehend the motivations, profiles and activities in public international law in the present day. It has given me the opportunity to engage with foreign affairs ministers, presidents, heads of state, and of course many honorary consuls on this topic, and I have begun to fully understand how the honorary consul can play a transformative role in consular and state-to-state intercourse. It has also given me hope that small and developing states can engage in a meaningful way with larger, more powerful nations through use of the honorary consul.

The honorary consul, as stated by Luke T. Lee, is “here to stay.”[[337]](#footnote-338) The question is, will the institution, nation-states and those appointed take a concerted effort to improve the training and capacity of the honorary consuls, so that they are equipped to take their place amongst those entrusted to represent our nations - or will they remain in the shadows? I am optimistic that those who volunteer out of public spiritedness will rise to the occasion and be willing participants in this reform if only given the opportunity.

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## **Annex A: Consular Survey 2019: honorary consuls in Hungary**

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**A.1 Introduction**

The purpose of this Annex is to present the methodology and findings of a survey performed among the honorary consular corps serving in Hungary. In a joint partnership between the School of Law and Social Sciences of the London South Bank University and the Ministry of Foreign Affairs and Trade of Hungary, researchers distributed a questionnaire among honorary consuls in Hungary in early 2019 and collected and analyzed the results.

It is hoped that the findings of the survey will demonstrate that:

a) there exists a keen interest amongst honorary consuls to learn more about their obligations and privileges as codified in the third chapter of the Vienna Convention on Consular Relations; and

b) while the implementation and maintenance of the honorary consular institution in smaller countries such as Hungary is both useful and effective, there is some room for improvement to be made in the way sending states and hosting foreign affairs ministries communicate with honorary consuls; therefore

c) the creation of an internationally recognized syllabus and formal training program is not only desired, it is necessary for the honorary consular institution to remain viable in the long-term.

As a final note to this introduction, the research survey was undertaken on a part-time basis and owing to that, its duration extended over a period of approximately three months (120 days). One of the difficulties of completing such a research project is maintaining interest in the subject matter throughout the course of the study. Many organizations and individuals have obligingly contributed to the final product, and a list of them is provided at the end of this Annex.

**A.2 Honorary consular representation in Hungary**

Like many nations in Central and Eastern Europe, Hungary has a tumultuous past, and its own honorary consular institution echoes this history. Today the robust Hungarian model of honorary consulates serves as a fine example of how small states can overcome the odds and have a big impact in the international arena.

**A.2.1 A brief history**

The first honorary consulates appeared as supplements to royal legations and career consulates following the disintegration of the Austro-Hungarian Monarchy and the birth of the independent Royal Hungarian Ministry of Foreign Affairs.[[338]](#footnote-339) In the era before the Vienna Convention on Consular Relations, the honorary consular system was regulated only by customary law in Hungary.[[339]](#footnote-340)

The establishment of diplomatic relations with foreign countries as well as with some international organizations made an impressive start in the 1920’s, supported by serious financial investments.[[340]](#footnote-341) During the interwar period, Hungary made large-scale efforts to develop diplomatic ties with foreign states and international organizations, but after the country’s entry into the Second World War alongside the Axis powers, the number of its honorary consuls plummeted.[[341]](#footnote-342) Soviet military occupation and electoral interference in Hungary following the War resulted in the creation of the Hungarian People’s Republic in 1949. USSR foreign policy gradually limited the role of “non-professional” consuls, and by 1950 the institution of honorary consuls was abolished.[[342]](#footnote-343)

From 1955 the Soviet Union began to actively take part in the codification of consular laws and regulations in the United Nations framework, and the 1963 Vienna Conference on Consular Relations was attended by the a Soviet delegation.[[343]](#footnote-344)The Hungarian Minister of Foreign Affairs officially reinstated honorary consuls into Hungarian law in 1987, and in that same year, the Vienna Convention on Consular Relations was signed by Hungary as well.[[344]](#footnote-345) This new legal environment created an opportunity to nominate and receive honorary consuls once again in the subsequent years.

**A.2.2 The modern-day context**

Hungary is recognized internationally for its extensive use of the honorary consular system in conducting foreign affairs policy objectives. According to a recent government publication, there are currently 59 honorary consuls, consul generals, and vice-consuls operating within Hungary representing 43 countries, while Hungary has a corps of 237 honorary consuls of its own operating abroad.[[345]](#footnote-346) Hungarian honorary consuls, representing a small country with a population just shy of 10 million, can currently be found in 100 countries, 46 of which do not host an official Hungarian diplomatic mission at the present time.[[346]](#footnote-347)

**A.3 Methodology of the survey**

This survey is part of a research study on honorary consulates. The questionnaire was administered in partnership with the London South Bank University School of Law and Social Science and the Department for honorary consuls of the Ministry of Foreign Affairs and Trade of Hungary. The purpose of this section is to explain the methodology of the survey, the outline and design of the questionnaire, and the steps taken to gain consent from the respondents, and to preserve their anonymity and privacy.

**A.3.1 The target group**

Because of its robust honorary consular network, the Hungarian corps was selected as the target group of this survey. Currently, there are 59 officially appointed and accredited honorary consuls representing at least 43 separate nations based in Hungary, leading to optimistic hopes regarding the diverse nature of responses to the questionnaire. A goal was set to reach out to at least forty of these honorary consuls for participation in the survey, which was defined as the appropriate number of respondents contacted in order to gain valid data for this study. Respondents were selected primarily due to specific knowledge and expertise about honorary consulates in the Hungarian context.

**A.3.2. Choice of survey method**

A questionnaire was picked as the survey method of choice for various reasons. The first was simplicity, as a questionnaire could be easily distributed and completed. The second consideration was related to time. Because this study itself was conducted on a part-time basis, and recognizing that the respondents themselves had very different availabilities and time commitments, the questionnaire was designed to be brief and respondents could complete and return the questionnaire in their own time. Finally, the questionnaire method allowed the researchers to obtain very specific answers in the form of multiple-choice questions, in instances where specific types of answers were desired, and it allowed for respondents to elaborate and give greater detail in response to certain other questions.

**A.3.3 Design of the questionnaire**

The research survey was in the form of questions and answers given on a strictly voluntary basis by honorary consuls in Hungary (there is a large overlap between honorary consuls in Hungary and native citizens). The outline of the questionnaire is a series of twenty-five questions in four categories, posed to the participating honorary consuls with a focus on gaining data on their training, profile and educational backgrounds. Most questions were multiple-choice or Y/N, with minimal writing requirements. However, in some sections respondents have been given the option to expand on their answers with more details, if desired, and allocations for this have been made in the questionnaire. It was estimated that the questionnaire would not take longer than up to one hour (60 minutes) to complete. For reference, an English-language copy of the questionnaire distributed among the honorary consuls in Hungary may be found at the end of this annex, under Appendix B.

**A.3.4 Distribution of the questionnaire**

This survey took place over the course of three months (120 days). The Ministry of Foreign Affairs and Trade of Hungary kindly offered to disseminate the questionnaire, using its own internal list of honorary consuls serving in the country. The questionnaires were distributed as a writable Microsoft Word file via email, and respondents were given the choice to either complete the questionnaire electronically, or to print the document and fill it in manually. Completed questionnaires were then returned electronically to the Hungarian Ministry of Foreign Affairs and Trade. Respondents were e-mailed Hungarian and English language copies of the questionnaire and were encouraged to complete the survey in the language they were most comfortable using. An information sheet outlining the purpose of the survey and a consent form were also attached to the email, in both languages.

**A.3.5 Response rates**

Of the forty questionnaires distributed among the honorary consuls in Hungary, twenty-one were completed and returned by the specified due date, resulting in a modest response rate of 52.5%. Given the voluntary nature of the survey, this is nonetheless a respectable percentage and has been deemed to be a valid sample size for analysis.

**A.3.6 Consent and privacy**

It was completely up to the respondents to decide whether or not to take part. If a respondent decided to participate, they were asked to carefully read the information sheet and to sign a consent form. Respondents were informed that they were free to withdraw from the survey at any time and without giving a reason. They were also informed that all information collected about them would be kept strictly confidential (subject to legal limitations.) Data generated by the study must be retained in accordance with the University’s Code of Practice, which states that all data generated in the course of the research must be kept securely in paper or electronic form for a period of 10 years after the completion of a research project. All data such as questionnaires will be protected and following analysis of the completed research questions, they will be made anonymous.

All respondents will be sent a copy of the completed survey findings upon request.

**A.4 Geographic considerations**

Though Hungary is a small country in Central Europe, its domestic geography is important to understand and appreciate. Politically and economically, Budapest and the capital district contain the most important areas of real estate in the country, from which all highways and railways radiate outwards forming its central nervous system. In general terms, the region west of the Danube enjoys a competitive edge over the East, in large part due to its proximity to Austria—Győr, Pécs, Sopron and Szombathely are important regional hubs. However, eastern cities such as Debrecen, Kecskemét, Nyíregyháza and Szeged are also vital industrial areas and home to sizeable populations as well.

**A.4.1 Sending states**

The Ministry of Foreign Affairs and Trade[[347]](#footnote-348) provided researchers with a list of 54 honorary consuls serving in Hungary, from which important statistics could be gleaned. These consuls represented a total of 42 individual states. The vast majority of these sending states were represented by only one honorary consul—generally located centrally in Budapest—but some states had multiple consuls. They have been represented in the following table:

**Honorary consuls in Hungary by sending state**

Number of individual honorary consuls: 54

Number of states represented: 42

2+ HCs: 4 (AUT, FIN, ISR, ITA)

3+ HCs: 3 (AUT, FIN, ITA)

4+ HCs: 2 (AUT, FIN)

7+ HCs: 1 (AUT)

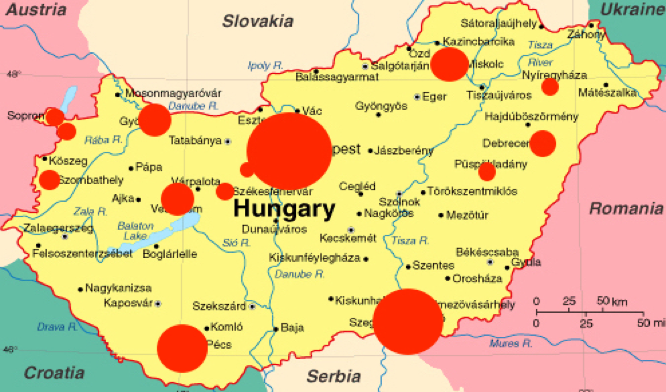
*Note: ISO3 abbreviations have been used for states.*

Chief among the sending states, unsurprisingly, is Austria with seven accredited honorary consuls, due to its proximity and close political and economic ties with its neighbour Hungary. The runner-up, Finland, has four delegates, perhaps explained by fact that Hungary and Finland are neighbours too, in linguistic terms. Both languages share a common Finno-Ugric ancestor.[[348]](#footnote-349)The only non-European sending state with more than one honorary consul is currently Israel, likely due to its sizeable Hungarian diaspora that emigrated in the decades following the Second World War, which saw over 420 000 Hungarian Jews deported to Auschwitz in a matter of weeks.[[349]](#footnote-350)

The sending states with honorary consuls currently serving in Hungary who responded to the survey are, in alphabetical order: Albania, Austria, El Salvador, Finland, Guatemala, Honduras, Iceland, Israel, Laos, Lesotho, Luxemburg, Madagascar, Malta, Mauritius, Poland, and the Seychelles. One survey was completed and returned to the researchers without any name or sending state specified, but it was deemed legitimate because the identity of the honorary consul, nor his or her sending state is strictly necessary for the analytical purposes of this survey. Furthermore, the survey had arrived through a trusted intermediary in the form of the Ministry of Foreign Affairs and Trade.

**A.4.2 Assigned municipalities within Hungary**

Honorary consuls dot the Hungarian map, most of them found in the capital district, the rest spread out fairly evenly in thirteen separate municipalities throughout the country. 28 of the 54 consuls are found in Budapest, the rest distributed in regional hubs. These are represented visually in the map below:



*Red dots represent location and approximate number of honorary consuls.*

A more detailed list is provided here, along with the approximate populations of each municipality hosting an honorary consulate:

**Honorary consuls by assigned municipality**

Budapest: 28 (pop. 1.8M)

Budaörs: 1 (pop. 28.3K)

Debrecen: 2 (pop. 202.5K)

Győr: 1 (pop. 129.4K)

Karcag: 1 (pop. 20.6K)

Miskolc: 2 (pop. 157.6K)

Nyíregyháza: 1 (pop. 117.9K)

Pécs: 4 (pop. 145.1K)

Szeged: 8 (pop. 161.8K)

Székesfehérvár: 1 (pop. 100.6K)

Szombathely: 1 (pop. 78.0K)

Und: 1 (pop. 342)

Veszprém: 2 (pop. 56.9K)

Unspecified municipality:1

Budapest is followed by Szeged, the third-largest Hungarian city, situated in the south-east of the country. It not only home to a sizable population but a centre of the food industry—the famous Pick salami is produced here—and it hosts an internationally distinguished university. (Indeed, multiple honorary consuls participating in the survey declared that they were, in one form or another, affiliated with the University of Szeged, a phenomenon that suggests a tantalizing research study of its own: the connections between academia and the honorary consular institution.) After Szeged, Western Hungary begins to dominate the map, hosting slightly fewer honorary consuls but in more cities than the east. In all instances, mailing addresses from the contact list provided by the Ministry of Foreign Affairs and Trade have been used to determine the location of each honorary consulate.

**A.4.3 Consular representation in capital cities and regional hubs**

The importance of honorary consulates in regional hubs is not to be understated, especially because they are able to provide citizens with consular services in parts of the country from which it may not be easy to commute to the capital city. Furthermore, operating honorary consulates tend to make economic sense for sending states, because the relatively lower workload but high financial cost tends to make maintaining an official consulate or embassy in regional areas cost-prohibitive.[[350]](#footnote-351)

**A.5 Personal data and demographics**

A brief demographic look at honorary consuls in Hungary provides the observer with an important context from which to analyse the results of the survey. As demonstrated in the following subsections, the Hungarian honorary consular corps tends to be older, male, and remarkably highly educated.

**A.5.1 Age and gender**

From the list of 54 honorary consuls currently operating in Hungary provided to the researchers, the following statistical information may be gleaned:

**Honorary consuls by gender**

Male: 49

Female: 5

The fact that only 9.6% of the honorary consuls in Hungary is female is a potential subject for a future research study examining gender relations in the country. Hungary has been making respectable progress in gender equality in recent years and it is unclear why there are not more women putting themselves forward for or qualifying for the honorary consular role in Hungary.

Statistically speaking, if one were to randomly choose an honorary consul from a list, he would not only be male, but older as well, as demonstrated below. Note that all of the statistics in this chapter from this point onwards are taken from the research questionnaire:

**Honorary consuls by age range**

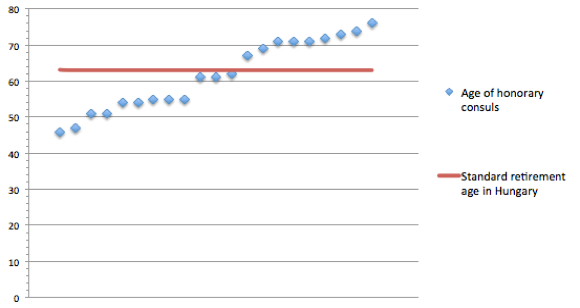
40-49: 2

50-59: 7

60-69: 5

70+: 7

The average of honorary consuls in Hungary is just shy of 62. The youngest individual accredited as honorary consul is currently 46 years old, and the oldest is 74. The ages of the survey respondents have been plotted in the graph below, in order of age:



The blue points on this graph represent the age of each survey respondent, and the straight red line represents the standard retirement age in Hungary, which is currently sixty-three. The honorary consular corps currently serving in Hungary indeed have their fair share of life experience, and the fact that many of them are retired may be of benefit to the sending state, as honorary consuls may have more time to spend fulfilling their duties as pensioners as opposed to their colleagues who are still pursuing their careers full-time.

**A.5.2 Nationality**

The respondents of the questionnaire were given the option to declare their nationality. Not surprisingly, virtually all of them were Hungarian citizens.

**Honorary consuls by declared nationality**

Only Hungarian: 18

Hungarian and other: 2

Only other: 1

Though they represent foreign governments, it seems honorary consuls serving in Hungary are rarely citizens of their sending states. Well over eighty percent of survey respondents were exclusively Hungarian citizens, with two more being dual citizens. For privacy considerations, the nationalities of these individuals are not provided here. Interestingly, there was one honorary consul who was not a Hungarian citizen at all. The question of whether honorary consuls should be citizens of the sending state they represent is a much-debated question that is well worth a study of its own. In any case, all sides to this debate may agree that in a Hungarian context, being of Hungarian nationality—and therefore having intimate knowledge of this unique language and culture—is a great asset.

**A.5.3 Languages spoken**

Representing a total of 43 countries, some of them found on the opposite side of the world, the spoken languages of the honorary consuls serving in Hungary is equally diverse. All survey respondents declared that they were at least bilingual, with many more declaring proficiency in three, four, and even more:

**Honorary consuls by languages spoken**

Only one language spoken: 0

Two languages spoken: 4

Three languages spoken: 5

Four languages spoken: 6

Five languages spoken: 2

Six languages spoken: 1

Seven languages spoken: 3

At first glance, the table above may be quite unexpected in the eyes of a casual observer. However, by virtue of their role in intergovernmental protocol, honorary consuls must speak at least two languages: the language of their host country as well as the language of the sending state. The fact that so many respondents declared proficiency in so many languages—three of them apparently confident in seven different languages—is impressive and speaks volumes to the high level of education and vocational training many of these individuals have achieved. This is compounded by geographical factors as well: Hungary, a landlocked Central European country is literally surrounded in a sea of different languages, and many people find it advantageous to acquire English, German or French to further their careers. Furthermore, the historical context is important to take into consideration as well, as Hungary was once a satellite state of the Soviet Union and Russian language class was mandatory for students throughout public school.[[351]](#footnote-352) Indeed, as demonstrated in the chart below, many respondents declared some level of proficiency in Russian, even though Russia has sent no honorary consuls to Hungary.

And add to all this the fact that respondents were asked to declare languages spoken but were not asked to evaluate their level of competence, the figures in the table above become a little more understandable. The following table lists the languages spoken, and the number of honorary consuls familiar with that particular language:

**Languages by number of speakers**

Albanian: 1

Arabic: 1

Chinese: 1

Croatian: 1

English: 17

Flemish: 1

French: 7

German: 14

Hebrew: 2

Hungarian: 20

Icelandic: 1

Italian: 3

Macedonian: 1

Malagasy: 1

Polish: 1

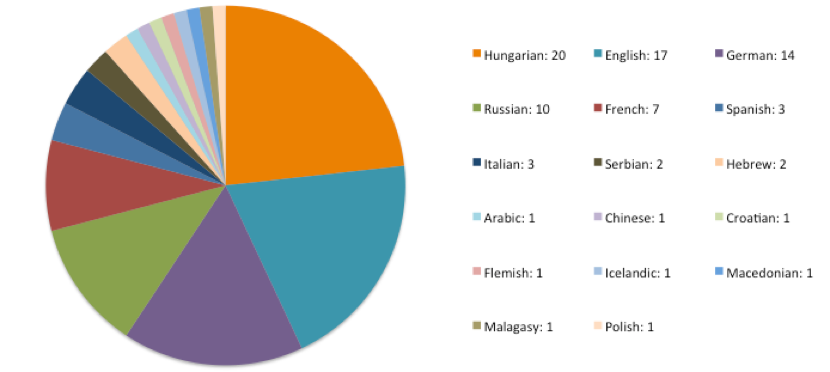
Russian: 10

Serbian: 2

Spanish: 3

As demonstrated above, Hungarian naturally has the most speakers among the honorary consuls who responded to the survey, with English a close second. In the double-digits one will also find German and Russian, and French—the official language of diplomacy to this day—receives an honourable mention with seven declared speakers. (Intriguingly enough, there was one survey respondent who did not declare any knowledge of the Hungarian language, and because that particular questionnaire was submitted in English, there is no way of disproving that claim. How that individual manages to fulfill his or her consular duties in Hungary is a different question altogether.)

The circle graph below shows a dazzling array of colours representing the diversity of languages spoken by honorary consuls in Hungary:



**A.5.4 Vocation and education**

One need only look at the linguistic skills of the survey respondents to be able to make a fair estimate of the level of education attained by honorary consuls in Hungary. As a matter of fact, as it turned out, all of them have completed post-secondary education:

**Honorary consuls by education**

University: 20

Vocational college (Főiskola): 1

Post-graduate education achieved: 5

Attended law school: 4

Twenty of the twenty-one respondents went on to university, with the single outlier pursuing a *főiskola* degree instead, which does not quite have an equivalent in the Western education system, but might most aptly be described as a vocational college or trade college.[[352]](#footnote-353) Almost half of the survey respondents completed post-secondary education as well, and a select few went to law school.

These figures are all the more impressive considering the percentage of Hungarian students who go on to complete a post-secondary education. Currently, the rate of high school students who attend and graduate from university is 21.8%,[[353]](#footnote-354) but one must take into consideration the fact that this figure is over four times the graduate rate at the time of the regime change in 1989. And according to one report, during the 1970’s, when many of the current honorary consuls would have been graduating, this rate was as low as a dismal 4.1%, meaning that the survey respondents are a remarkable group of individuals.[[354]](#footnote-355)

Adding to education levels achieved by survey respondents is the varying array of fields in which they pursued their post-secondary education:

**Honorary consuls by program of studies**

Agriculture: 1

Archives: 1

Business Administration: 3

Chemistry: 1

Economics: 5

Engineering: 4

Finance: 1

Law: 6

Language and Linguistics: 3

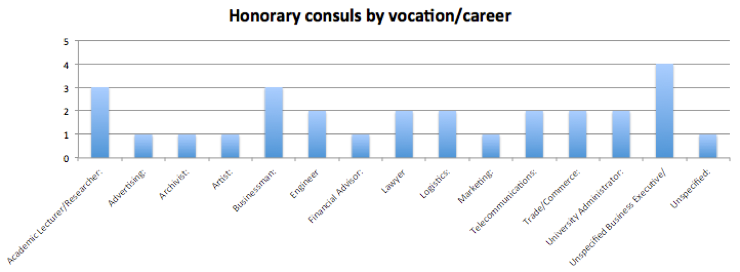
Mathematics: 1

Tourism and Hospitality: 1

Unspecified Trade: 1

Unspecified: 2

Most honorary consuls have pursued studies in domestic or international law (and as noted earlier, four of them attended law school as well.) Economics, engineering, business administration, and language and linguistics were also popular programs of study. Perhaps with the exception of engineering, these degrees all fit into the expected education profile of a diplomat.

The career directions of survey respondents varied greatly as well, with some going on to work in a field directly related to their program of study, while others went in unexpected directions. As a reminder, it must be noted that honorary consuls are not career consuls, and most of them receive little to no financial remuneration for their work, though certain diplomatic expenses are generally reimbursed by the sending state.

Many became academics: researchers, lecturers, or university administrators. Others went into business, trade, or commerce and some have done very well for themselves indeed in the private sphere, becoming business executives or CEOs. Once again confirming diplomatic stereotypes, some survey respondents were lawyers—but some respondents bucked the trend, one of them declaring that he was an “artist.” All in all, the following bar graph demonstrates the wide-ranging career directions survey respondents took after completing their formal education:

Survey respondents were also given an opportunity in the questionnaire to tell the researchers about any additional specializations, training courses, or development programs they participate in that might be relevant to their activities as honorary consuls. Responses included tourism and hospitality, business management, legal training, statistics, negotiation techniques, language and linguistics, real estate, tax structuring, and academic research initiatives. It is not immediately clear if these additional specializations were completed with the express purpose of aiding their consular work, but they definitely add to the unique skill sets of the survey respondents and may well be of use to them in their diplomatic activities.

**A.6 Professional information**

Echoing the diverse education and work background of honorary consuls in Hungary, the day-to-day activities of respondents varied greatly, though there is a considerable amount of overlap. As part of the survey, respondents answered questions about the process of their appointment, the nature of their professional relationship with the sending state, and the description of typical duties performed as honorary consuls. An investigation of the current operation of honorary consuls in Hungary will not only lead to a better understanding of their role in diplomacy and trade, but may also highlight deficiencies and key areas of improvement.

**A.6.1 Process of appointment**

In this section of the questionnaire, survey respondents were asked to briefly describe how they were appointed honorary consuls. Because the process of consular appointments is prescribed in international law, certain formalities such as the exequatur were common to all respondents. Some described the process of appointment in more detail than others, but important information may be gleaned from their descriptions nonetheless. In light of certain media criticisms of the honorary consular institution[[355]](#footnote-356) (which will be explored in the next chapter of this research study) it became particularly salient to determine if honorary consuls in Hungary were appointed “organically,” that is to say, representatives of the sending state approached the respondent based on his or her academic background, professional work, and ties to the sending state, or if honorary consuls sought out these appointments for themselves, as a personal initiative.

**Honorary consuls by process of appointment**

Were appointed organically: 10

Sought out appointment: 3

Order of events unclear: 8

Over one-third of respondents were unclear on this point, but of those who described the process of their appointment in greater detail, ten said they were appointed organically, while only three mentioned seeking out consular appointments themselves. Many of those who were appointed organically wrote about being approached by a diplomatic officer from the Budapest embassy of the sending state. Often, the officer was the Ambassador himself or herself, who them made the recommendation to the sending state. Some respondents noted that there was some degree of personal acquaintance with the staff of the embassy prior to the appointment. For example, one individual mentioned having been frequently in contact with the Budapest embassy due to his academic work in relation to that particular country, while another said he had previously served as a diplomat and therefore was well known in diplomatic circles. Another frequent process of appointment entailed being recommended for that position by the previous honorary consul.

On the other hand, regarding the three respondents who sought out their honorary consular appointments on their own personal initiative, all three respondents seemed to have obtained their postings in a legitimate, formal fashion. For example, one respondent declared that he forwarded an official application to the Ministry of Foreign Affairs of the sending state, and following a review of his application and a thorough background check, he was invited for an interview and in time received the appointment.

Many respondents also commented on the length of the process itself, often taking about a year but even as long as a year and a half to two years. In addition to interviews and background checks, some respondents mentioned further formal discussions with foreign affairs ministries, visits from the supervising ambassador, and naturally, lots of paperwork.

**A.6.2 Relationship with the sending state**

Instead of asking respondents to describe their relationship with the sending state on a scale of 1 to 10, which would have been highly subjective and not very meaningful for analysis, respondents were given space to describe, in as much or as little detail as they liked, the nature of the relationship. Because of the open-endedness of this question, the answers provided a better insight into this relationship.

However, for analytical purposes, responses were divided into five groups: poor, neutral, good, excellent, and unspecified. Most respondents declared that they had a positive professional relationship with the sending state, as the table below demonstrates:

**Relationship with sending state**

‘Poor’: 1

‘Neutral’: 9

‘Good’: 8

‘Excellent’: 2

Unspecified: 1

*Poor: “Loose”*

*Neutral: “Contact kept,” “Daily,” “Regularly,” etc. Description of contact without qualifiers*

*Good: “All right,” “Close,” “Good,” “Professional,” etc*

*Excellent: “Excellent,” “Perfect”*

The “neutral” group includes those responses that included at least some detail about the nature of the relationship but without any words that explicitly qualified the relationship as either “good” or “poor.” However, words such as “daily” and “regularly” imply a meaningful, ongoing relationship that might be cautiously described as positive. In any case, the “good” and “excellent” groups together comprised half of the survey respondents, and only one single respondent categorized his relationship with the sending state as “poor.”

Most respondents declared that they maintain their relationship with the sending state through the embassy in Budapest, but a few included academic, cultural, religious and commercial ties in their response. One Israeli respondent explained that he maintains ties with organizations such as The Jewish Agency and The World Holocaust Remembrance Center, and recalled instances where multiple embassies co-financed special events. A Maltese honorary consul mentioned attending a conference of consular officers held every two years in either Vienna or Valetta. And an honorary consul for Laos wrote that in addition to his consular duties, he also serves as President of the Laos-Hungary Friendship Association.

There were a small number of respondents who wrote that their sending state did not have an embassy in the country, and so contact is maintained through the nearest official diplomatic mission—in one case, Berlin. In cases where the honorary consul is the sole representative of the sending state, his or her role in diplomacy, interparliamentary protocol, investment promotion, and commerce is much more prominently defined.

**A.6.3 Number of years currently serving**

As noted in a previous section of this chapter, the average age of honorary consuls in Hungary is rather advanced. However, this does not seem to fully correlate with their years of experience serving as honorary consuls.

**Honorary consuls by experience**

1-5 years serving: 5

6-10 years serving: 8

11-15 years serving: 5

16-20 years serving: 2

21+ years serving: 1

The majority of honorary consuls in Hungary have served in that capacity for ten years or less, and only a select few have held on to that position for over fifteen years. One notable mention was appointed in 1998, giving him twenty-one years of experience in that role. However, it remains unclear from these responses what the average turnaround rate is—that is, how often honorary consuls are replaced.

**A.6.4 Description of typical duties performed**

The day-to-day tasks of honorary consuls are many—especially, as noted above, when there is no official embassy or consulate in the country. It is largely due to this phenomenon that the hours spent weekly by survey respondents fulfilling their obligations as honorary consul has an extremely wide range. Many respondents were very open about this, and explicitly wrote in the survey that their hours vary greatly, or used phrases including “as much as is necessary” and “currently, not very much.”

Some respondents declared that they only spend about one hour per week performing their duties, while others wrote “ten to fifteen.” Generally speaking, however, the average honorary consul in Hungary spends an average of four to eight hours weekly with their duties.

In addition to whether or not there is a formal diplomatic mission of the sending state in Hungary, there are two more considerations to take into account when examining the hours of honorary consuls. One is geographic: honorary consuls from European countries such as Austria and Poland tend to do more work simply because the proximity of these states translates into more tourists, businessmen, and students visiting Hungary. The second consideration is the number of honorary consuls a given sending state has in Hungary. Countries such as Austria, Finland, Italy and Israel that have two or more honorary consuls operating in Hungary are able to divide certain tasks amongst them, allowing the honorary consuls to share the workload.

The tasks that honorary consuls perform are wide-ranging. Below is a table that lists, in alphabetical order, the typical duties performed by honorary consuls in Hungary, and in a second column, the number of respondents (out of a possible 21) who mentioned these duties as part of their official activities.

**Typical duties performed**

Consular services 17

Contact with relevant organizations\* 5

Cultural events 9

Diplomatic affairs 6

Dissemination of news/information\*\* 4

Economic affairs\*\*\* 10

Education and research 6

Elections/polls 1

Legal assistance\*\*\*\* 8

Reception hours 2

Sister-city programs 1

Sports events 1

Tourism 6

Translation 1

*\*Relevant organizations include embassies, government bodies, chambers of commerce, etc*

*\*\*Either to official government bodies or to interested citizens of sending state*

*\*\*\*Includes foreign and domestic business, commerce, trade, and investment promotion activities*

*\*\*\*\*Legal assistance includes court appearances, police/penitentiary affairs, and notary services*

One is not surprised by the fact that almost all respondents mentioned performing traditional consular services and diplomatic functions as part of their obligations, such as verification of citizenship, passport application and renewal, authentication of official documents, and registration of vital statistics including issuing birth, marriage, and death certificates. For sending states that do not operate an official diplomatic mission in Hungary, the consular services offered by honorary consuls are all the more important.

Equally impressive is the similarly large number of honorary consuls—just shy of fifty percent—who perform economic activities on behalf of the sending state. True to their origins, as outlined in an earlier chapter on the historical development of honorary consuls, respondents to this survey continue to provide economic benefits to the sending state. Many respondents maintain close ties to businesses from their sending state and assist entrepreneurs expanding into the Hungarian market. Some have even organized special events geared toward attracting Hungarian investment to their sending state.

Other commonly reported duties include supporting academic and cultural activities. Often this is done through universities or other places of education. For example, one honorary consul explained his key role in assisting the Finnish Department of the University of Szeged in the organization of exchange programs and research initiatives. Other honorary consuls have hosted special cultural events in their efforts to strengthen ties between the sending and Hungary through music, dance, art exhibits, culinary programs, and more.

Honorary consuls are also important drivers of tourism. One Israeli honorary consul wrote in his survey response that he provides visitor information to Hungarians flying to Israel, and that he even organizes tour groups. Conversely, other respondents emphasized their role in offering information to tourists visiting Hungary from the sending state.

Much like official diplomats, honorary consuls in Hungary are often called upon to provide legal assistance to visiting citizens who find themselves in trouble with the law. Respondents have mentioned court appearances as well as advice to clients who are the subject of police investigations or even arrested and in penitentiaries. In this capacity, honorary consuls are a key link between the sending state and its citizens traveling abroad, and honorary consuls play a key role in ensuring that the rights of foreign nationals are protected.

**A.6.5 Information and guidance from the sending state**

When asked about whether information or guidance is received from the sending state regarding their duties and mandate as honorary consuls, 19 of the 21 respondents said “yes,” and the remaining two did not complete this portion of the survey. One respondent elaborated on this point, and wrote that he receives a weekly newsletter from the embassy in Budapest about recent political and economic developments. Another respondent wrote that he received a 30-page handbook with instructions. It is abundantly clear that the respondents of this survey believe they have received ample guidance from the sending state regarding their duties and mandate.

However, a follow-up question to this revealed that honorary consuls have not always received guidance related to legal issues or diplomatic protocol.

**Does the sending state provide guidance on laws/protocol?**

Yes 15

No 5

Unspecified 1

Of the respondents who answered this question, 25% claimed that they did not receive any sort of meaningful information or guidance from the ministry of foreign affairs of the sending state, although one individual wrote, “No, but I have no need of it.” He further explained that his daily duties do not include consular services, which have been made electronic and are available online. This raises an interesting question that will in fact be examined further in the following section of this chapter: to what extent to honorary consuls have need of guidance or information on legal issues and diplomatic protocol?

On the other hand, one Finnish respondent who responded “yes” to this question wrote that he was given a copy of a publication entitled *Instructions for honorary consuls of Finland*from the Finnish Ministry of Foreign Affairs when he was appointed. The work of this particular sending state in ensuring that its honorary consuls are properly equipped is laudable, and furthermore, it points to the fact that even among honorary consuls, the playing field is not always level: some honorary consuls are clearly more properly trained and informed than others.

The difference between career diplomats and honorary consuls has been examined earlier, but it seems there may even be a divide between certain honorary consuls as well. Therefore it is important that standardized training and an official syllabus be implemented internationally for the benefit of honorary consuls.

**A.7 Training**

The previous sections highlighted not only the diverse academic and professional background of honorary consuls currently serving in Hungary, but outlined their process of appointment and their views on their relationship with the sending state they represent. The importance of the work done by these honorary consuls cannot be overstated, but from a number of responses to the questionnaire it becomes clear that there exist certain areas of improvement, particularly in the way honorary consuls are assigned, trained, and tasked with completing various objectives.

As will be demonstrated in this section, there not only exists a real interest among honorary consuls in Hungary for such training, the creation and implementation of a formal consular education syllabus is desirable. Possible obstacles to such a training program will be examined at the end of this section.

**A.7.1 Interest in learning about VCCR Chapter III**

Chapter Three of the Vienna Convention on Consular Relations (VCCR) is the keystone document that is the legal basis for the existence and mode of operation of honorary consuls internationally.[[356]](#footnote-357) Naturally, it is vital for all honorary consuls, not just those serving in Hungary, to be familiar with the text because it lays out the purpose of their role, their duties, obligations, rights and privileges while serving in that capacity.

In the form of a Y/N question, respondents were asked to simply tell the researchers if would be amenable to learning about Chapter Three of the VCCR.

**Openness to learning about VCCR Chapter III.**

Yes: 15

No: 5

Unspecified: 1

An overwhelming majority of respondents showed preliminary interest in learning more about this subject. In fact, though the question was posed to respondents in Y/N form, one honorary consul squeezed a small handwritten note into the open space of the form. This individual wrote, “Yes! I am already familiar with the law, but I would be interested if the course/curriculum could give me new and useful information.” Given the number of respondents who have served as honorary consuls for over ten years, it is highly likely that many of them share this individual’s sentiments. Most, if not all honorary consuls should already be familiar—at least to some extent—with the VCCR, but regardless of that, 75% of respondents who answered this question affirmed interest in learning about Chapter Three.

**A.7.2 Access to regulations from the sending state**

Next, respondents were asked about their access, or lack thereof, to legal regulations regarding their diplomatic position as provided by the sending state. Their responses to this question are particularly interesting, especially when shown in light of their responses to a previous question regarding access to information and guidance from the sending state, in subsection 6.5. of this chapter. The responses to that question are almost a mirror image of the responses to this question here.

**Access to regulations from sending state**

Yes: 16

No: 4

Unspecified: 1

25% of respondents had declared that they received no meaningful guidance or information from the sending state, and now 20% wrote that they do not have access to legal regulations from the sending state related to their diplomatic status. The difference was one single respondent. A closer examination of survey results shows that the correlation is not a coincidence—those respondents who said they received no guidance from the sending state were much more likely to also say that they do not have access to legal regulations.

One might hope that if new lines of communication were opened up, or if existing ones were simply made more effective, not only would access to guidance and information improve, but access to legal regulations as well.

**A.7.3 Access to regulations from the Ministry of Foreign Affairs and Trade**

The same question was once again posed to respondents, but this time “the sending state” was replaced by “the Ministry of Foreign Affairs and Trade of Hungary.” It was deemed important to gage not only the relationship of the honorary consuls with the sending states in this instance, but also their relationship with the domestic ministry for foreign affairs in the country in which they currently serve. As hosts, ministries of foreign affairs should not only provide oversight for honorary consuls, but should also provide them with access to legal regulations related to their diplomatic role. Unfortunately, as it turned out, the Hungarian Ministry of Foreign Affairs and Trade does relatively poorly in this regard, showing a marked diminishment from access to regulations from sending states.

**Access to regulations from the Hungarian foreign affairs ministry**

Yes: 13

No: 8

Unspecified: 1

Three less respondents out of the possible 21 stated that they have access to regulations directly from the Ministry of Foreign Affairs and Trade, raising another important question: who has responsibility for providing honorary consuls with regulations about their diplomatic status, the sending state or the hosting ministry of foreign affairs? Addressing this issue is important because if hosting state believes that the sending state has jurisdiction, or vice-versa, the ball will drop in the middle and the honorary consul will be left without guidance or direction.

**A.7.4 Interest in formal training**

In addition to sharing their level of interest towards learning about Chapter Three of the VCCR, survey respondents also were given the opportunity to tell researchers about their interest in receiving formal training. More specifically, respondents were asked if they thought a training or educational program related to their role as an honorary consul would be of benefit to them and their post.

**Formal training course seen as benefit**

Yes: 10

No: 2

Maybe: 9

The largest number of respondents answered “Yes” to this question, but almost as many sided with a cautious “Maybe.” The following subsection lays out some possible reasons for why so many might have had reservations about responding in the affirmative, but one might reasonably expect that if certain preferences or expectations were met, the number of “Yes” respondents would easily be much higher.

Furthermore, even though five respondents had previously stated that were not interested in learning about Chapter Three, only two chose the option “No.” Importantly, it seems that even some of those respondents believe that formal training would be beneficial to their work as honorary consul.

As a follow-up question to interest in formal training, honorary consuls were asked to specify which subjects they deemed most important. Diplomatic protocol, laws on honorary consuls and consular law, and the role of honorary consuls in diplomatic relations were listed as possible answers to choose from, but respondents were given an opportunity to write more about this, as desired.

**Possible topics of interest\***

Diplomatic protocol: 8

Laws on honorary consuls: 7

Rights of honorary consuls: 2

Role in diplomatic relations: 11

Unspecified: 5

*\*Note: Total is greater than 18, as some respondents have outlined multiple elements of interest.*

In their written comments, honorary consuls expressed great interest in learning not only about the legalities of their position, but also the nature of their role in international relations and diplomatic protocol. One respondent wrote, “since I have not received any formal training so far, it would be interesting to me. All my knowledge is based on years of reading, and my own experiences.” This self-taught honorary consul lacks neither interest nor dedication, and he is eagerly looking forward to a formal training program.

**A.7.5 Individual preferences and expectations regarding formal training**

Respondents were also asked about their personal preferences related to a formal training formal program, and about their expectations of such training. The two lists below show the responses to the survey questions about the type and duration of training most honorary consuls would prefer.

**Preferred type of training**

Online training: 4

In-person, classroom setting: 10

No preference, either of the above: 3

Unspecified: 4

**Preferred time and duration of such training**

Three-day course: 2

Weekend (two-day) course: 2

One-day or one-evening course: 10

Either three-day or weekend course: 1

Either three-day or one-day course: 1

Two-hour crash course: 3

Unspecified: 2

From the lists above, it seems that the majority of honorary consuls would prefer to participate in an in-person training session, and relatively few are interested in online training. Furthermore, many honorary consuls would prefer a one-day course held either during the day or later on in the evening, either during the week or on a weekend. These responses might be seen as typical of an aging consular corps, one that is not particularly interested in online training and is available for training during the weekday. It might be expected that those respondents who have not yet retired and are balancing their honorary consular duties with their ongoing career obligations would prefer online training, or in-person trainings held on weekends, evenings, or perhaps even a two-hour crash course. Indeed, a closer examination of survey results seems to confirm a plausible correlation between age and preferred type and duration of training.

**Expectation of diploma/certification for completion of training**

Yes: 9

No: 12

When asked about whether they expected to receive some kind of certification or professional qualification for completing such training, the majority said that they would not. That being said, the margin is relatively small, and further sampling might be beneficial to confirming this response.

**5.7.6 Financial considerations**

The main obstacle for holding in-person training sessions in a classroom setting is arguably time-related, as demonstrated above. Not all honorary consuls have the time to set dedicate a three or even two days for training purposes. A second major obstacle for in-person training is the fact that honorary consuls are scattered throughout the country, although this would be less of an issue if training was provided by sending states. Hungary is a relatively small state, but even so its honorary consular corps is distributed among over twenty municipalities. This phenomenon is typical of most, if not all states that host diplomatic missions—embassies and consulates tend to be the capital city, and perhaps in other major urban hubs if the country is large enough—while honorary consuls are more often located outside of the capital in places where a permanent diplomatic mission would not be viable. Therefore travel time, and cost of travel, are important considerations.

Survey respondents were asked about their willingness to attend a training course if a fee were required to attend. As demonstrated in the list below, most honorary consuls would attend regardless, but almost as many would not be willing to pay a course fee.

**Willingness to attend course if a fee were required**

Yes: 12

No: 8

Unspecified: 1

One respondent wrote below this section, “Yes. But I would reconsider it if this has to be paid for privately. It should be financed by the sending state or the Ministry of Foreign Affairs.” Since honorary consuls are typically not remunerated for their service, with the exception of the reimbursement of certain work-related costs incurred, it may indeed not be unreasonable to request that either the sending state or the hosting state cover the costs of a training program.

**A.8 Survey conclusion**

The results of the research questionnaire paint a comprehensive picture of the state of the honorary consular corps in Hungary. The academic and professional backgrounds of survey respondents differ greatly, but they share a storied past and together, they perpetuate the long-lasting tradition of the honorary consular institution. There may be some apparent shortcomings in the way honorary consuls currently communicate with their sending state and with the hosting ministry of foreign affairs, but they are clearly interested in participating in further training and education so that as honorary consuls, they might better serve the country and the people they represent.

The final section of the questionnaire was an open-ended question requesting that honorary consuls share with researchers their experiences and their own suggestions for improvement. Not all completed this portion of the questionnaire, but those who did betrayed a true passion for what they do and a desire to improve.

Some honorary consuls focused on practical matters, such as receiving special identification cards for easier access to government ministries or requesting diplomatic license plates for their vehicles, while others shared what they believed was their most important role. One respondent shared that in his opinion, he can accomplish more in the economic sphere than in the political, and wrote that a training syllabus should also include business and commerce principles. Another suggested that the syllabus provide for language training. Many respondents suggested the creation of some kind of networking event or forum for honorary consuls where information and opinions may be exchanged and economic opportunities may be explored. Hosting ministries of foreign affairs would be best suited to organize such an event. Explained one individual,

It is not enough for honorary consuls do perform their duties in the public eye. They must maintain contact with the diplomats of the sending state and participate in everyday consular tasks, keeping an adequate level of contact with municipal governments, universities, chambers of commerce, and other organizations in the given country. In the spirit of reciprocity, they must understand the history and present of the sending and receiving states.

Indeed, honorary consuls have an important role to play in diplomacy, in Hungary and elsewhere. This survey has demonstrated some of the key tasks performed by honorary consuls and the successes that they have had. It is hoped that the creation and implementation of an internationally recognized syllabus and formal training program for honorary consuls will serve to facilitate their day-to-day tasks and ensure continued success in their endeavours.

**A.9 Appendices**

Appendix A provides a list of individuals and organizations who assisted in any way to the completion of this survey. Appendices B and C contain English-language versions of the questionnaire distributed among honorary consuls in Hungary for the purposes of this research survey, as well a copy of the consent form similarly distributed.

A. Individuals and organizations providing assistance and information

In alphabetic order, based on last name or organization name:

Dr Craig Barker

Dean of the School of Law and Social Sciences

London South Bank University

János Berényi

Chief Counsellor

Secretariat for Ministerial Commissioner in Charge of Liaising with honorary consuls Ministry of Foreign Affairs and Trade of Hungary

Morgan James

PA to the Dean of the School of Law and Social Sciences

London South Bank University

Dr György Suha

Ministerial Commissioner in Charge of Liaising with honorary consuls

Ministry of Foreign Affairs and Trade of Hungary

University Ethics Panel (UEP)

London South Bank University

B. Questionnaire sent to honorary consuls

The following questionnaire was distributed to honorary consuls as a writable Microsoft Word file via e-mail, and were given the option to complete it electronically, or to print it and complete it manually. English and Hungarian language copies were sent to all honorary consuls. The Ministry of Foreign Affairs of Hungary kindly offered to distribute and collect the questionnaires in behalf of the researchers on official Ministry letterhead.

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| --- |
| KÜLGAZDASÁGI ÉS KÜLÜGYMINISZTÉRIUM  TISZTELETBELI KONZULI KAPCSOLATTARTÁSÉRT FELELŐS MINISZTERI BIZTOS |

Dear Participant,

The purpose of this questionnaire is to develop an understanding of what can be improved to support appointed honorary consuls in Hungary.

All the data included in the questionnaire will be used only for research purposes. (By completing this questionnaire, you consent to having the data shared with the Faculty of Law of the London South Bank University.)

Filling in the questionnaire is voluntary and takes 15 minutes. Please do not omit any questions.

Thank you for your assistance.

Regards,

Richard Griffiths

**I. Personal data**

1.1 What is your nationality? ……………………………………

1.2 When were you born (year only)? ……………………………………

1.3 Gender:

Male Female

1.4 What is your academic level of study?

BA MA PhD

1.5 What are your academic qualifications and degrees?

…………*[adequate space provided for response]*…………………

1.6 Please provide additional information on any specialisations, professional development programs and certificate programs you have taken and deem relevant:

…………*[adequate space provided for response]*…………………

1.7 What languages do you speak?

…………*[adequate space provided for response]*…………………

1.8 What is your profession (main profile)?

…………*[adequate space provided for response]*…………………

1.9 When were you appointed as honorary consul (year only)? ………………………

**II. Professional information**

2.1 What is your relationship to the sending state you represent as an honorary consul?

…………*[adequate space provided for response]*…………………

2.2 What was the process of your appointment to the post of honorary consul?

…………*[adequate space provided for response]*…………………

2.3 Are you in regular contact with the sending state government?

…………*[adequate space provided for response]*…………………

2.4 What are the typical duties you perform as an honorary consul?

…………*[adequate space provided for response]*…………………

2.5 How many hours a week do you spend with your tasks as an honorary consul?

…………*[adequate space provided for response]*…………………

2.6 Does the sending state provide you with information on specific actions, duties and an overall mandate?

…………*[adequate space provided for response]*…………………

2.7 Did the sending state provide any guidance on diplomatic protocol, laws, or other duties?

…………*[adequate space provided for response]*………………

**III. Training and syllabus**

3.1 Would you be open to learning about Chapter 3 of the Vienna Convention on Consular Relations?

YES NO

3.2 Do you have access to legal regulations regarding your diplomatic position provided by the sending state?

YES NO

3.3 Do you have access to legal regulations regarding your diplomatic position provided by the Ministry of Foreign Affairs and Trade of Hungary?

YES NO

3.4 Do you think a training or educational program related to your role as an honorary consul would be of benefit to you and your post an honorary consul?

YES NO

– If so, what elements would be of interest to you? (e. g. Diplomatic Protocol, laws on honorary consuls and consular law, the role of honorary consuls in diplomatic relations etc.)

…………*[adequate space provided for response]*…………………

3.5 For such a training, would you prefer:

a. an online training b. in-person course and classroom setting

3.6 For such a training would you prefer:

a. 3 days b. weekend training c. 1 day or evening program d. 2 hours

3.7 For such training would you expect a certificate or professional qualification?

YES NO

3.8 Would you or your sending state be prepared to pay for a training program in Hungary?

YES NO

4. Tell us any further information with reference to tools or information that would enhance your abilities to perform your duties as an honorary consul:

…………*[adequate space provided for response]*…………………

C. Consent form sent to honorary consuls

The following consent form was distributed among honorary consuls chosen to be invited to participate in the research survey. Respondents automatically opted in or out of the study by returning the completed questionnaire to the researchers to the Ministry of Foreign Affais.

**Participant Information Sheet**

**Research Study on honorary consuls Serving in Hungary**

Dear Participant,

You are being invited to take part in a research study related to honorary consulates. Before you decide whether or not to take part, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully.

Research Study Overview

Ethics approval: LSSEP183

The study is part of a Master of Research thesis on honorary consulates. The purpose of the study is to gain insight about the honorary consul corps appointed to the State of Hungary. The study will provide the researcher with valuable information which will be used for a curriculum design for newly appointed honorary consuls and those wishing to expand their understand of the role of the honorary consul.

The academic study will be in the form of questions and answers given voluntarily by honorary consuls in Hungary. The outline is a series of 20-25 questions asked of the participating honorary consuls with a focus on understanding data on training, profile and educational backgrounds of the participating honorary consuls. The study will take place over 3 months (120 days) with a goal of reaching 30 honorary consuls based in Hungary who are currently appointed and accredited to Hungary as Honorary consuls.

Why was I selected to participate?

You have been selected to participate by the Hungarian Ministry of Foreign Affairs and the researcher due to your profile as a serving honorary consul. You have also been asked to participate due to your specific knowledge and expertise about honorary consulates serving in Hungary.

Number of participants in study

A proposed number of 30 active members of the Hungarian honorary consulate corps have been defined as the appropriate number of participants in order to gain valid data for this study.

The voluntary nature of your participation

It is up to you to decide if you wish to participate in this study. We will describe the study in person or through a telephone call and go through the information sheet, which we will give to you. We will then ask you to sign a consent form to show you agreed to take part. You are free to withdraw at any time, without giving a reason.

Process and data collection methodology

A questionnaire will be sent to you via email provided on the Hungarian Ministry of Foreign Affairs honorary consulate list. You will be asked to fill out the form either via Word file or if you choose, you can print it out and fill it out manually.

You will be asked approximately 20 questions in 4 categories. Most questions are y/n or require minimal writing however, in some sections you may wish to expand on your answers with more details, allocations for this have been made for you should this be required.

You will automatically opt in or out of the study by sending in the questionnaire to the email address provided.

Possible disadvantages/risks to participation

There are no risks to yourself or any of the participants of this study, as the material will be used only for the academic study for training purposes.

The participant may spend up to 60 minutes in total to complete the form. This is also dependent on your willingness to provide expanded answers to the questions.

Possible benefits to participation

The possible benefits to you will be the following;

a. Further understanding of the topic of honorary consulates

b. Data may support increased budgets and training programs for honorary consulates

Data collection and confidentiality

All the information collected about you and other participants will be kept strictly confidential (subject to legal limitations). Data generated by the study must be retained in accordance with the University's Code of Practice. All data generated in the course of the research must be kept securely in paper or electronic form for a period of 10 years after the completion of a research project. All data such as questionnaires will be protected and following analysis of the completed research questions will be will be anonymized.

What will happen to the results of the research study on completion?

• The results will be analyzed and reviewed by the researcher

• The results will be part of the thesis related to honorary consulates for academic study

• The degree is a Masters of research

• The results will form a chapter of an 8-chapter thesis

• All participants will be sent a copy of the completed thesis upon request

Researcher

This research is being conducted by Richard Griffiths, seeking a Masters of Research Degree from London South Bank University, Department of Law and Social Science

The research has been approved by the Department of Law and Social Sciences, London South Bank University

Research contact:

Researcher: Richard Griffiths +44755567451 rgriffithsgov@gmail.com

Supervisor: Professor Craig Barker, Dean of the school of law and social sciences, London South Bank University email: craig.barker@lsbu.ac.uk

http://www.lsbu.ac.uk/about-us/people/people-finder/prof-craig-barker

If you have any concerns about the way in which the study has been conducted, they should contact the University Ethics Panel. The email address is University Ethics Panel (UEP): ethics@lsbu.ac.uk.

Please find ethics panel website:

http://www.lsbu.ac.uk/research/governance/ethics

Ethics panel code of practice: LSBU Code of Practice for Research with Human Participants (PDF File 468 KB).

Email Ethics panel: ethics@lsbu.ac.uk.

I wish to thank you, for taking time to assist with this research project.

Richard Griffiths

Masters of Research Student

Approval: LSSEP183

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**ANNEX B**

**Vienna Convention on Consular Relations**

**1963**

**Selected articles related to the function of the honorary consul**

Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of article 54 and paragraphs 2 and 3 of article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by articles 59, 60, 61 and 62.

Articles 42 and 43, paragraph 3 of article 44, articles 45 and 53 and paragraph 1 of article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by articles 63, 64, 65, 66 and 67.

CHAPTER III.

REGIME RELATING TO HONORARY CONSULAR OFFICERS AND CONSULAR POSTS HEADED BY SUCH OFFICERS

Article 58

General provisions relating to facilities, privileges and immunities

1. Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of article 54 and paragraphs 2 and 3 of article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by articles 59, 60, 61 and 62.

2. Articles 42 and 43, paragraph 3 of article 44, articles 45 and 53 and paragraph 1 of article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by articles 63, 64, 65, 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

Article 28 Facilities for the work of the consular post

The receiving State shall accord full facilities for the performance of the functions of the consular

post.

Article 29 Use of national flag and coat-of-arms

1. The sending State shall have the right to the use of its national flag and coat-of-arms in the receiving State in accordance with the provisions of this article.

2. The national flag of the sending State may be flown and its coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.

3. In the exercise of the right accorded by this article regard shall be had to the laws, regulations and usages of the receiving State.

Article 34 Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

Article 35 Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers ad hoc. In such cases the provisions of paragraph 5 of this article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 36

Communication and contact with nationals of the sending State

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending

State:

(a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgement. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this article are intended.

Article 37

Information in cases of deaths, guardianship or trusteeship, wrecks and air accidents

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

(a) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;

(b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;

(c) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence.

Article 38

Communication with the authorities of the receiving State

In the exercise of their functions, consular officers may address:

(a) the competent local authorities of their consular district;

(b) the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

Article 39 Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

Article 42

Notification of arrest, detention or prosecution

In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

Article 43 Immunity from jurisdiction

1. Consular officers and consular employees shall not be 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.

2. The provisions of paragraph 1 of this article shall not, however, 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.

Article 44 Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 45

Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 54 Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to force majeure.

Article 55

Respect for the laws and regulations of the receiving State (paragraph 2 only)

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

3. The provisions of paragraph 2 of this article shall not exclude the possibility of offices of other institutions or agencies being 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. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

Article 53

Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his

private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

Article 54 Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to force majeure.

Article 59

Protection of the consular premises

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.

Article 60

Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph l of this article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

Article 61

Inviolability of consular archives and 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.

Article 62 Exemption from customs duties

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.

Article 63 Criminal proceedings

If criminal proceedings are instituted against an honorary consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall 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 shall be instituted with the minimum of delay.

Article 64

Protection of honorary consular officers

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.

Article 65

Exemption from registration of aliens and residence permits

Honorary consular officers, with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

Article 66 Exemption from taxation

An honorary consular officer shall be 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.

Article 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 68

Optional character of the institution of honorary consular officers

Each State is free to decide whether it will appoint or receive honorary consular officers.

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