

Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State. The terms and conditions of the appointment and the admission of the head of the consular post are established by the respective laws, regulations and usages of the sending and receiving States. Two administrative instruments are indispensable to consuls for the exercise of their functions. Consuls are provided with a "commission" or similar instrument by the sending State which indicates their title and defines briefly the area in which Consuls are to exercise their functions. By the issue of the "exequatur", the receiving State grants a Consul the free exercise of the powers provided by local legislation and the terms of the Convention, as well as the enjoyment of the privileges and immunities to which a Consul is entitled. A State may refuse to issue an "exequatur" and is not obliged to give reasons for such refusal.

As soon as the head of a consular post is admitted even provisionally to the exercise of his/her functions, the receiving State must immediately notify the competent authorities of the consular district. It must also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his/her office and to have the benefit of privileges and immunities.

3. Consular Representatives

The Convention makes provision for the performance of diplomatic acts by a consular representative in a State in which the consular representative's government is not represented. Consular representatives are not thereby entitled, however, to diplomatic immunities. Consular representatives may also act as representatives of their government to an inter-governmental organization. When so acting, consular representatives are entitled to enjoy the privileges and immunities accorded such a representative by customary international law or by international agreements.

The sending State may, if its laws and regulations so require, request the receiving State to issue an exequatur to a consular representative other than the head of the consular post. The functions of a member of a consular post come to an end inter alia:

- (a) on notification by the sending State to the receiving State of the termination of the consular representative's functions and date of final departure from the receiving country;
- (b) on withdrawal of the exequatur;
- (c) on notification by the receiving State to the sending State that the receiving State has ceased to consider the consular representative a member of the consular staff.

All members of the consular post are ensured freedom of movement and travel within their territory subject to the laws and regulations of the receiving State with respect to zones into which access is prohibited or regulated for reasons of national security. Their freedom to communicate with and have access to their nationals is also guaranteed. Nationals, in turn, must be entirely free to communicate with their consulate and to have access to it. If a national of a foreign country is detained in the territory of the receiving State, the authorities of that State must, if the national so requests, inform the competent consular post without delay. It is the duty of the authorities to inform detained persons of their rights in this regard. The Convention also recognizes the right of consular representatives to visit their nationals who are in detention, to