

Guidelines for the Appointment of Honorary Consuls of Sri Lanka Abroad

The Guidelines for the Appointments of Honorary Consuls of Sri Lanka Abroad are hereby amended as per the instructions given by the Secretary to the President by his letter No. PS/SP/FA/Hony.Consuls dated 11th June 2020

1. Appointment of Honorary Consuls of Sri Lanka Abroad

1.1 Qualifications

- (a) In appointing Sri Lanka Honorary Consuls in Abroad, the priority should be given to the Sri Lankans including (leading businessmen, professionals such as Scientists, Doctors, Lawyers, Senior Academic Staff members of International Universities etc.), who are permanently residing in foreign countries or Sri Lankan passport holders long resident in the country of appointment.
- (b) The appointees should be a well-established person who has distinguished themselves in their different fields of endeavor with sufficient private means to meet the financial obligations of the office.
- (c) The appointee should be over the age of 40 years and below 65 years on first appointment and expected to relinquish their duties on reaching the age of 70 years.
- (d) The appointments of Honorary Consuls should generally be limited to countries where there is no resident Sri Lanka representation, unless there are exceptional circumstances warranting appointment in countries where there is resident representation.

1.2 Terms

- (a) Appointments are to be made for terms of two (02) years at a time. The services of Honorary Consuls, whose performance is found to be unsatisfactory during the probationary period, will be discontinued at the discretion of the Government of Sri Lanka. The terms of Honorary Consuls are renewable with the mutual consent of the Government of Sri Lanka beyond the period of five years depending on favorable reports concerning the Honorary Consul being received by the Ministry of Foreign Relations from the Head of Mission in the country of appointment or concurrently accredited.
- (b) The Government of Sri Lanka reserves the right to terminate the tenure of any Honorary Consuls whose performance or conduct is found as unsatisfactory.

1.3 Procedure to be followed in the selection and appointment of a person as Honorary Consul for Sri Lanka Abroad

- i. The Head of Mission of Sri Lanka who is accredited/concurrently accredited to the country of appointment of the Honorary Consul or the Ministry of Foreign Relations of Sri Lanka initiates the appointment by proposing suitable nominees for the appointment.
- ii. The nominee has to submit a concept paper, with the recommendation of the Head of Mission, explaining how he/she is going to manage in consular assistance to Sri Lankans, promote trade, investment and tourism for Sri Lanka in the jurisdiction of his/her appointment.
- iii. The Ministry of Foreign Relations of Sri Lanka is the appointing authority. The list of Nominees will be submitted for the concurrence of H.E the President through the recommendation of Secretary and Hon. Minister of Foreign Relations.
- iv. The Protocol Division of the Ministry of Foreign Relations of Sri Lanka submits the nomination through the Sri Lanka Mission in the country of appointment or its Mission in Sri Lanka or in the absence of both, directly to the Ministry of Foreign Relations of the country of appointment for the concurrence of its government.
- v. Once the concurrence is granted by the country of appointment, the Commission of Appointment is prepared by the Protocol Division of the Ministry of Foreign Relations of Sri Lanka for the signature of the Minister of Foreign Relations of Sri Lanka.
- vi. Once the Commission of Appointment is signed by the Minister of Foreign Relations of Sri Lanka, it will be transmitted to the Ministry of Foreign Relations of the country of appointment through the respective Sri Lanka Missions. The Ministry of Foreign Relations of the country of appointment, issues the Exequatur to the nominee.

2. Functions and Duties of Honorary Consuls

The Vienna Convention on Consular Relations of 24th April 1963 would govern all interactions of Honorary Consuls with the receiving State. The provisions of this Convention were given domestic effect, by the Consular Functions Act No. 4 of 1981 and the consular Functions (Amendment) Act of 5 April 2006.

In keeping with the Vienna Convention on Consular Relations of 1963, the Government of Sri Lanka assigns the following functions to its Honorary Consuls abroad.

- Protecting and safeguarding in the receiving State (country of appointment) the interests of Sri Lanka and nationals, both individuals and bodies corporate within the limits permitted by international law and in accordance with the law of the receiving State;
- Furthering the development of commercial, economic, cultural and scientific relations between Sri Lanka and the receiving State and promoting friendly relations between them in accordance with the provisions of the Convention;
- Ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State and reporting thereon to the Government of Sri Lanka and giving information to persons interested;
- Helping and assisting nationals, both individuals and bodies corporate of Sri Lanka;
- Subject to the practices and procedures prevailing in the receiving State, representing or arranging appropriate representation for nationals of Sri Lanka before tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interest of these nationals, where because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests;
- Performing any other functions entrusted to a consular post by the Government of Sri Lanka, which are not prohibited by the laws and regulations of the Receiving State;

2.1 Protecting the interests of Sri Lanka within the Consular District

Sri Lanka's Honorary Consuls must actively disseminate information to the Government of Sri Lanka regarding Parliamentarians, news media, business community, tourism industry and other relevant agencies of the country of appointment on the day to day developments in Sri Lanka. The Public Communications Division of the Ministry of Foreign Relations or the relevant Political Desks either directly or through accredited Sri Lankan Mission will make available periodic dispatches to the Honorary Consuls detailing developments in Sri Lanka.

The Honorary Consuls should familiarize themselves with their contents and avail of every opportunity including through the press release to keep all segments of societies within their consular jurisdiction fully informed of the actual position on current developments/issues. Where an Honorary Consul is confronted with regular adverse media comments, he/she should bring it immediately to the notice either of the Embassy having authority over the consular district or in its absence of Sri Lanka's Mission, to the Ministry of Foreign Relations of Sri Lanka for advice on remedial action/s to be taken. The Honorary Consul should refrain from making statements that may embarrass the

Government of Sri Lanka or the Government of the receiving country nor should he/she make statements on the internal affairs of the receiving State or any other country.

2.2 Protecting interests of its nationals;

A Sri Lankan national visiting or residing in the country jurisdiction of the Honorary Consul may call the Honorary Consul for assistance in the event of;

- a) his/her falling ill and requesting hospitalization;
- b) his/her being questioned, detained or arrested in connection with an offence that he/she is alleged to have committed or his/her being prosecuted in a Court by the law;
- c) his/her becoming destitute and seeking repatriation to Sri Lanka: and
- d) losing his/her passport

In the event of a Sri Lankan national seeking assistance in any of the above circumstances, it will be appreciated if the Honorary Consul could advise and render him any assistance that may be required.

Detention/Arrest of a Sri Lankan National

It is the duty of an Honorary Consul to establish a channel of communication with the law enforcement authorities and the legal/judicial authorities within his or her consular jurisdiction. Where a Sri Lankan is detained/arrested, subjected to a judicial process, the relevant authorities of the country concerned, must inform the Honorary Consuls immediately and the Honorary Consuls should;

- a. visit him/her after obtaining the permission of the relevant authorities and
- b. where necessary, arrange for a lawyer to look after his/her interests or to appear on his/her behalf.

The person concerned has to meet the cost of legal assistance. If he/she does not have with him/her sufficient funds for the purpose and desires to obtain funds from his/her relations in Sri Lanka, a fax/e-mail message containing the following information should be sent to the Consular Division of the Ministry of Foreign Relations in Colombo:

- a. Full name of person
- b. Passport number and date of issue
- c. Nature of offence
- d. Whether Police investigations were completed and whether a persecution has been filed in Court
- e. Amount of money required for legal assistance
- f. Name and contact details (address, telephone/fax/e-mail numbers) of relation in Sri Lanka

Destination/Repatriation of a Sri Lankan National:

If a Sri Lankan national becomes destitute and seeks repatriation to Sri Lanka, his/her relatives in Sri Lanka will have to first deposit with the Ministry of Foreign Relations of Sri Lanka the amount of money that is likely to be required for his/her repatriation before any steps to be taken to purchase and air ticket for the repatriation.

In such a case, a fax/e-mail containing the following information be sent to the Consular Division of the Ministry of Foreign Relations in Colombo:

- a. Full name of person
- b. Passport number, date of issue
- c. Circumstances in which he/she has become destitute
- d. Name and contact details (address, telephone/fax/e-mail numbers) of relation in Sri Lanka

Loss of Passport

Where a Sri Lanka national has lost his passport and requires a new one, the Honorary Consul should request him/her to complete an application form for transmission to the nearest Sri Lanka Mission. Application forms could be made available in the office of the Honorary Consul for this purpose. Where the applicant requests transmission of application by fax/e-mail he/she should meet the cost.

2.3 Furthering the Development of Commercial and Economic Relations

The economic policies of the Government of Sri Lanka primarily aim at the economic advancement of its people and development of commercial and economic relations with foreign countries. Towards this end, the following areas have been identified for the Honorary Consuls representatives to initiate/promote in their country's jurisdiction;

- i) Promotion of trade including traditional and non-traditional Sri Lankan products
- ii) Promotion of foreign investment
- iii) Promotion of tourism
- iv) Generation of employment opportunities for Sri Lankan nationals in the country of appointment

The Honorary Consul must aim at consolidating Sri Lanka's interest in the above if already established in his/her consular jurisdiction and should make every endeavor to identify new avenues in promoting the above.

The Honorary Consuls must develop awareness among the target groups of what Sri Lanka can offer and match it with the local demands and conditions. In the first instance, the objective must be to build up confidence without being concerned with volume and magnitude. Once the firm relations are established the latter will automatically follow.

The Ministry of Foreign Relations is geared to advise the Honorary Consuls on any matter relating to promoting commercial and economic relations within the consular jurisdiction. Instructions and information brochures/periodic in this regard will be made available from time to time by the Economic Affairs Division to assist in the promotional work.

2.4 Cultural and Social Relations

While looking after the interests of Sri Lankans, the Honorary Consuls should endeavor to assist Sri Lankans confronted with problems of social integration etc.

3. Monthly Report

The Honorary Consuls should send a monthly report through the Head of the relevant Mission to the Chief of Protocol, Ministry of Foreign Relations of Sri Lanka on the activities undertaken to promote Sri Lanka's interests and activities to protect Sri Lankan national under the area of consular jurisdiction. The report should include the following information on aspects;

- a. Meeting/interaction with government officials to enhance bilateral cooperation on trade, investment, tourism, cultural and sports
- b. Promotional activities organized by the Honorary Consul
- c. Dissemination of positive information on Sri Lanka to local government institutions and media especially responding to negative media reports published in local media.
- d. Consular assistance provided to Sri Lankans living in the consular jurisdiction of the Honorary Consuls of Sri Lanka
- e. Any assistance extended to visiting Sri Lankan VVIPs/VIPs, business delegations, officials and any others
- f. Any other important matters/issues required to be briefed the Ministry of Foreign Relations

This report will assist the Ministry in considering the extension of services of the Honorary Consuls.

Protocol Division
Ministry of Foreign Relations

11th June 2020