

Within the ministry of foreign affairs of each country, therefore within the Ministry of Foreign Affairs of the Republic of Serbia as well, there is a service dealing with consular affairs. The Ministry's Directorate for Consular Affairs coordinates the work of the country's consular missions abroad, provides assistance to consular posts in their work, handles requests of parties when these requests include foreign elements; however, besides the Protocol Department, the consular service, too, has the role of an intermediary between foreign diplomatic and consular missions and domestic authorities and government bodies.

### **Background information – how consulates and consuls came into being:**

The beginning of exchange of goods between people necessarily created a need for persons whose duty was to protect foreign traders coming from other areas: in ancient Greece they were known under the name of *prostate*; later on they were called *proxenos* (equivalent for consul).

In Egypt Greek traders were protected by magistrate acting in the capacity of judge, while in Rome protection was the duty of *pretor peregrinis*.

In the Middle Ages, with the development of trade in manufactured goods, the institutes of *proxenus*, magistrate and *pretor peregrinis* were transformed into state consular representatives whose functions, in addition to trade, were extended to include the economy in general and, partly, politics. This situation prevailed up until the 17th century, i.e. until the appearance of diplomatic missions.

In the wake of the industrial revolution and the development of trade on new basic principles, the institute of consul gained in importance once again. The first Convention regulating the status of consul was concluded between France and Spain in 1769. Internal legislations related to this institute also began to take shape (French *Ordonnance*, 1781; Dutch Consular Rules of Procedure, 1786; Law on Consular Service, 1792, USA).

The development of the institute of consul was completed with the codification of consular law under the 1963 Vienna Convention on Consular Relations.

### **What is the purpose of consulates?**

Consulates are a "state in miniature".

They are municipalities, registrars, police and draft board in one.

Newly born children and marriage contracts are registered in consulates; in certain countries it is even possible to contract marriage in our consulates if both would-be spouses are Serbian nationals.

Consulates are authorized to authenticate signatures; excerpts from registers and other certificates are obtained through consulates; last wills can be drawn up there and passports replaced, if damaged or expired .

In a situation when consulates are not competent to decide on a request, for instance on the question of citizenship, consulates make sure that the submitted request is adequately formulated and complete, and refer it to the competent authority in the Republic of Serbia.

Consulates are places where military service of recruits abroad can be postponed. The Ministry of Defence and other authorities are contacted via consulates.

Court summons and other documents and papers are served via consulates. Deaths are reported to and documents issued by them enabling the transport of the deceased for burial in Serbia. One can obtain there a customs certificate enabling exemption from the payment of customs duties for the import into Serbia of household items and appliances.

On the basis of the authorization given by inheritors, consulates look after our nationals' estate abroad and take active part in probate proceedings. Upon completion of the proceedings, consulates make sure that the resources are transferred, via the National Bank of Serbia, to the account(s) of the inheritors.

Consulates are the first address abroad to which to apply in an emergency. A person left abroad without documents or being in trouble for other reasons, will first thing apply to one of the diplomatic or consular missions of the Republic of Serbia.

There is someone there at any time, even after office hours, over the weekend and during holidays to whom the person in trouble may apply if the situation necessitates it.

That is why you should not ask help from dubious, "well-intentioned" individuals at inadequate places. That is why consuls are there.

### **What are consuls unable to do?**

They cannot have you released from prison if, for some reason, you have been arrested or sentenced to imprisonment in compliance with the laws of the country in which you have found yourself. They are there to make sure that you receive the same treatment as other citizens who have found themselves in a similar situation; that the same laws are applied to you and that you have an ex officio counsel.

At your request, the police authorities are bound to enable you contact with your consul. We will, for our part, inform your next of kin at home and provide the details of your case. We cannot, however, pay the fee charged by a legal counsel of your choice or to stand bail for you, so that you may go free until trial. This is not the practice anywhere in the world, our country included.

Consuls cannot act as your legal counsels nor represent you before the judicial authorities in the receiving country. They can give you legal advice regarding our legislation or the legislation of the host country if they are conversant with it.

### **What else do the consulates do?**

In addition to the above mentioned, consulates also perform the diplomatic function on the local level; they are there to promote political and economic relations, to inform the public at large, to promote our national culture, to help organize our diaspora, our expatriates and their associations and clubs, and to do a lot of other things.