

Such exequatur or authorization is liable to be withdrawn by the country which issued it, if considered necessary. The reasons for the withdrawal shall be indicated wherever possible.

The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are accorded to persons of corresponding status of any other State.

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26. Convention¹ between the United States of America and the United Kingdom of Great Britain and Northern Ireland relating to consular officers, signed at Washington, on 6 June 1951²

...

PART III
LEGAL RIGHTS AND IMMUNITIES

...

Article 11

(1) (a) ...

(b) A consular officer who is a national of the sending State and is not a national of the receiving State and is not engaged in any private occupation for gain in the receiving State shall enjoy the most favorable treatment possible under the laws of the territory with regard to arrest or prosecution in respect of acts performed otherwise than in his official capacity.

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NOTE: The other provisions of this Treaty are the same than those of the Consular Convention between United States of America and Ireland (Convention No. 24 above). This Convention does not contain provisions corresponding to those of articles 5, para. (3), 14, para. (4), 18 and 28, paras. (3) and (4), of the Treaty under reference.

27. Consular Convention³ between the United Kingdom of Great Britain and Northern Ireland and France, signed at Paris, on 31 December 1951⁴

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PART I
APPLICATION AND DEFINITIONS

Article 1

This Convention applies—

(1) In relation to the territories of His Majesty, to the United Kingdom of Great Britain and Northern Ireland, and to all territories for whose international relations His Government in the United Kingdom are responsible;

¹ United Nations, *Treaty Series*, vol. 165, p. 122.

² Came into force on 7 September 1952.

³ United Nations, *Treaty Series*, vol. 330, p. 146.

⁴ Came into force on 14 January 1954.

(2) In relation to the French Union, to the French Republic, to the other territories of the French Union, excluding the Associated States of Indo-China, and to the States for whose international relations France is responsible.

Article 2

For the purpose of this Convention—

(1) The term “sending State” means, according to the context, the High Contracting Party by whom the consular officer is appointed, or all the territories of that party to which the Convention applies;

(2) The term “receiving State” means, according to the context, the High Contracting Party within whose territories the consular officer exercises his functions, or all the territories of that party to which the Convention applies;

(3) The term “territory” means any part of the territories of the receiving State in which the whole or part of a consular officer’s district is situated and which, for the purpose of all or some of the articles of the Convention, constitutes a territorial unit. Either High Contracting Party may from time to time inform the other through the diplomatic channel by notification in writing which parts of his territories are to be regarded as territorial units for the purpose of all or some of the articles of the Convention, and in the latter case for the purpose of which articles they are to be so regarded. Any such notification shall not, however, take effect until six months after the date of its receipt by the latter High Contracting Party;

(4) The term “nationals” means—

(a) In relation to His Majesty, all citizens of the United Kingdom and colonies, all citizens of Southern Rhodesia, and all British protected persons including, where the context permits, all juridical entities duly created under the law of any territory to which the Convention applies:

b) In relation to the French Union, all French citizens and all nationals of the French Union other than nationals of any of its Associated States and all French protected persons including, where the context permits, all juridical entities duly created under the law of any territory of the French Union or of any state under French protection to which the Convention applies;

(5) The term “vessel” of a High Contracting Party means for the purpose of Part VII of the Convention, any ship or craft registered under the law of any of the territories of that party, to which the Convention applies, and, for the purpose of the other Parts of the Convention the word “vessel” means any ship or craft (not including ships of war) whether so registered or not;

(6) The term “consular officer” means any person duly appointed by the sending State to act as such in the receiving State and admitted by the latter in this capacity in accordance with the provisions of article 4 of the Convention. A consular officer may be either—

(a) A career consular officer, in which case he shall be a national of the sending State and not a national of the receiving State and shall not engage in any professional or business occupation in the receiving State other than his consular functions; or

(b) An honorary consular officer, in which case he may be a national of the sending State or of the receiving State or of a third State and, in addition to performing his consular functions, may engage in other occupation for gain in the receiving State;

(7) The term "consular agent" means any person appointed to act as such with the consent of the receiving State by the superintending consular officer who will issue his certificate of appointment. A consular agent may be a national of the sending State or of the receiving State or of a third State, and, in addition to performing his consular functions, may engage in other occupation for gain in the receiving State;

(8) The term "consular employee" means any person who performs consular work in a subordinate capacity, provided that his name has been duly communicate in accordance with the provisions of article 5 of the Convention. He may be a national of the sending State or of the receiving State or of a third State, but shall not engage in any occupation for gain in the receiving State other than his consular employment. The term does not include chauffeurs and persons engaged solely in domestic duties at, or in the upkeep of, the consular premises;

(9) The term "consulate" means any consular establishment whether that of a consul-general, of a consul, of a vice-consul or of a consular agent;

(10) The term "consular office" means any building or part of a building which is occupied exclusively for the purposes of the official business of a consular officer.

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PART III

LEGAL RIGHTS AND IMMUNITIES

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Article 13

(1) The archives and all other official documents and papers of a consulate shall at all times be inviolable and the authorities of the territory may not under any pretext examine or detain any of them.

(2) Such archives and official documents and papers shall be kept separate from papers, books or correspondence of a consular officer, agent or employee relating to other matters. This provision does not require the separation of diplomatic from consular archives and official papers, when a consular office is situated on the premises of a diplomatic mission. The room or rooms where the archives and official papers of the consulate are kept shall be entirely separate from those used as the private residence of a consular officer, agent or employee or for purposes other than consular or diplomatic business.

(3) (a) A consular officer may communicate with his government or with his superintending diplomatic mission by post, telegraph, telephone and other public services and may send and receive official correspondence by sealed bags and other containers and may in both cases use secret language. When, however, the receiving State is at war, such right of communication and correspondence with the superintending diplomatic mission, if the latter is situated outside the territories of the receiving state, may be restricted.

(b) A consular agent may communicate and correspond freely with the consular officer under whose superintendence he is placed.

(4) The official consular correspondence referred to in paragraph (3) of this article shall be inviolable and the authorities of the receiving State shall not examine or detain it. When they have serious reasons to advance for so doing, they may, however, request that such sealed bags or other containers should be opened in their presence by an authorised representative of the sending State, in order to satisfy themselves that they do not contain anything but official correspondence.

(5) A consular officer or employee shall be entitled to refuse a request from the courts or authorities of the territory to produce any documents from the archives of the consulate or other official papers, or to give evidence relating to the contents of such documents or official papers or to any matter within the scope of his official duties. Such a request, shall however, be complied with in the interests of justice if, in the judgment of the officer in charge of the post, it is possible to do so without prejudice to the interests of the sending State.

Article 14

(1) A consular officer, agent or employee shall not be liable in proceedings in the courts of the receiving State, in respect of acts performed in his official capacity, falling within the functions of a consular officer under international law, unless the sending State requests or assents to the proceedings through its diplomatic representative.

(2) It is understood that the provisions of paragraph (1) of this article do not preclude a consular officer, agent or employee from being held liable in a civil action arising out of a contract concluded by him in which he did not expressly contract as agent for his government and in which the other party looked to him personally for performance. The provisions of paragraph (5) of article 13 and paragraph (2) of article 16 of this Convention shall not entitle a consular officer, agent or employee to refuse to produce any document, or to give evidence, relating to such a contract.

(3) All motor vehicles, vessels and aircraft owned by the sending State and used by the consulate or owned by a consular officer, agent or employee shall be adequately insured by policies against third-party risks. Any action by a third party in respect of any such risk shall be deemed to be an action involving civil liability as contemplated in paragraph (2) of this article.

Article 15

(1) A career consular officer shall not be subjected in any territory of the receiving State to detention in custody pending trial except when accused of a grave offence; for this purpose a grave offence shall be deemed to be—

- (a) In any territory referred to in paragraph (1) of article 1 of this Convention, an offence for which a sentence of imprisonment for five years or over may be awarded;
- (b) In any territory referred to in paragraph (2) of the said article, an offence which constitutes a *crime* under the laws of the territory.

(2) Subject to the provisions of paragraph (1) of this article relating to personal immunity, a career consular officer shall be entitled to no immunity from the jurisdiction of the receiving State except as provided for in paragraphs (5) of article 13, (1) of article 14 and (2) of article 16 of this Convention.

Article 16

(1) Subject to the provisions of paragraph (5) of article 13, a consular officer, agent or employee may be required to give testimony in either a civil or a criminal case. To the extent that the laws of the territory permit, any summons issued in this connexion shall not contain any provision imposing penalties in the event of non-appearance. The court requiring the testimony of a consular officer shall take all reasonable steps to avoid interference with the performance of his official duties and shall, wherever permissible and possible, arrange for the taking of such testimony, orally or in writing, at his office or residence.

(2) A consular officer, agent or employee shall be entitled to refuse any request by the authorities of the territory to advise, or to give evidence, with regard to the laws of the sending State or their interpretation.

PART V

GENERAL CONSULAR FUNCTIONS

Article 27

(1) A consular officer may receive for safe custody such sums of money, documents and objects of all kinds as may be delivered to him by, or on behalf of, nationals of the sending State.

(2) It is understood that the provisions of paragraph (5) of article 13 of this Convention shall not entitle a consular officer to refuse to produce any documents relating to such deposits, and that, if a consular officer exercises the rights referred to in this paragraph he shall be subject in relation thereto to the laws of the territory and to the jurisdiction of its courts in the same manner as a national of the receiving State.

PART VII

SHIPPING

Article 40

(1) Except at the request or with the consent of the consular officer, the administrative authorities of the territory shall not concern themselves with any matter relating to the internal management of the vessel. The judicial authorities of the territory may, however, exercise any jurisdiction which they may possess under the laws of the territory with regard to disputes as to wages and contracts of service between the master and members of the crew. The administrative and judicial authorities shall not interfere with the detention in custody on the vessel of a seaman for disciplinary offences, provided that such detention is lawful under the laws of the sending State and is not accompanied by unjustifiable severity or inhumanity.

(2) Without prejudice to their right to take cognizance of offences committed on board any vessel in the ports or in the territorial waters of the territory and cognizable under the local law or to enforce local laws applicable to such vessel or persons and property on board, the High Contracting Parties affirm their approval of the international practice under which the authorities of the territory should not, except at the request or with the consent of the consular officer —

(a) Concern themselves with any matter taking place on board the vessel except for the preservation of peace and order or in the interests of public health or safety; or

(b) Institute prosecutions in respect of offences committed on board the vessel unless —

(i) They involve the tranquillity or safety of the port or the laws of the territory regarding public health, the safety of life at sea, customs or any similar matter; or

(ii) They are committed by or against persons other than the master or members of the crew, or by or against persons possessing the nationality of the receiving State; or

(iii) The offence is —

(I) In the case of any territory referred to in paragraph (1) of article 1 of this Convention, an offence for which a sentence of imprisonment for five years or over may be awarded;

(II) In the case of any territory referred to in paragraph (2) of the said article, an offence which constitutes a *crime* under the laws of the territory.

(3) If, for the purpose of the exercise of the rights referred to in paragraph (2) of this article, it is the intention of the authorities of the territory to arrest or question any person or to seize any property or to institute any formal enquiry on board the vessel, the master or other officer acting on his behalf shall be given an opportunity to inform the consular officer, and, unless this is impossible on account of the urgency of the matter, to inform him in such time as to enable the consular officer or his representative to be present, if he so desires. If the consular officer has not been present or represented, he shall be entitled, on his request, to receive from the authorities of the territory full information with regard to what has taken place. The provisions of this paragraph do not apply to routine examinations by the authorities of the territory with regard to customs, health and the admission of aliens, nor to detention of the vessel or of any portion of her cargo arising out of civil or commercial proceedings in the courts of the territory.

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Article 44

(1) The consular officer may make arrangements for the adjustment of marine averages, where a vessel of the sending state or her cargo suffers damage at sea and the vessel arrives at a port within his consular district, provided that no national of the receiving State has a direct financial interest in the said vessel or cargo and provided that there is no agreement in relation thereto between the owners, charterers and insurers.

(2) When any national of the receiving state has a direct financial interest in the adjustment of a marine average, the consular officer may appoint an expert on the adjustment of marine averages and, provided that all the interested parties agree, may arrange a settlement on the basis of his adjustment. In the absence of such agreement, the competent local authorities may make an adjustment.

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FIRST PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date on behalf of His Majesty the King of Great Britain, Ireland and the British

Dominions beyond the Seas, in respect of the United Kingdom of Great Britain and Northern Ireland, and of the President of the French Republic, in respect of the French Republic, the undersigned, being duly authorised thereto declare as follows:

The High Contracting Parties wish to put on record that in their view the following principles are applicable to consulates and consular officers under the general law of nations in the event of war or of the rupture of diplomatic relations:

(1) In the event of war or of the rupture of relations between two States either state shall be entitled to demand the closure of all or any of the consulates of the other State in its territory. It shall also be entitled to close all or any such consulates of the latter State as are situated in other countries which come under its military occupation;

(2) In the event of the closure of all or any of the consulates of one State in the territory of another State or in territory which comes under the military occupation of the latter State, the consular officers, honorary consular officers, consular agents and employees concerned of the former State who are nationals of the former State and are not nationals of the latter State, provided that their names have been duly notified through the appropriate channel, together with all members of their families, shall be given reasonable time and proper facilities to leave the territory for their own country. They shall be afforded considerate treatment and protection until the moment of their departure which shall take place within a reasonable period and they shall be permitted to take with them their archives and official papers together with their furniture and personal effects, or if they prefer, to deposit them, in safe custody in the territory. In either case their archives and official papers shall be inviolable and all practicable steps shall be taken to safeguard their furniture and personal effects.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol and have affixed thereto their seals.

DONE, in duplicate, at Paris this thirty-first day of December, 1951, in the English and French languages, both texts being equally authoritative.

[L.S.] Oliver HARVEY

[L.S.] SCHUMAN

SECOND PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date on behalf of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, in respect of the United Kingdom of Great Britain and Northern Ireland, and the President of the French Republic, in respect of the French Republic, the undersigned being duly authorised thereto, declare as follows:

The High Contracting Parties have agreed that the provisions of article 15 of the Convention shall not come into operation until such time as each High Contracting Party has given notice to this effect to the other.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the Protocol and have affixed thereto their seals.

DONE, in duplicate, at Paris this thirty-first day of December, 1951, in the English and French languages, both texts being equally authoritative.

[L.S.] Oliver HARVEY

[L.S.] SCHUMAN

NOTE: The provisions of the other articles of this Treaty are similar to the corresponding provisions of the consular Convention between the United States of America and Ireland (Convention No. 24 above).

**28. Consular Treaty¹ between El Salvador and Spain,
signed at San Salvador, on 6 November 1953²**

Article I

Each of the High Contracting Parties shall have the right to appoint Consuls-General, Consuls, Vice-Consuls or Consular Agents in the ports, towns and other places in the territory of the other, each reserving the right to exclude any place where the appointment of such officials is not considered desirable.

Article II

Before taking up their posts, consular officials appointed by El Salvador and Spain shall obtain from the Government of the receiving State the necessary exequatur, which shall be issued to them free of charge and in accordance with the established procedure in each country.

The Governments of the two countries reserve the right to refuse or revoke an exequatur when in their opinion there are valid grounds for objecting to a person appointed or already admitted as a consular official.

Upon presentation of the exequatur, the authorities of the district in which a consular official is to reside shall immediately admit him to the exercise of his functions, guaranteeing his right to enjoy the prerogatives and privileges pertaining to his office.

Article III

Career Consuls-General, Consuls and Vice-Consuls shall enjoy in both countries the privileges pertaining to their office and shall also enjoy personal immunity except with respect to offences which are classified as major offences in the Penal Code of Spain or which under Salvadorian law require trial by jury. They shall also be exempt from personal, real and sumptuary direct taxes.

Honorary Consular Agents, whether or not they are citizens of the country in which they reside, who possess immovable property or who engage in commerce shall be subject to the same obligations and taxes as nationals of the country and shall also be subject to its laws in the conduct of their commercial operations.

They shall be entitled to place their national coat of arms on the outer wall of their premises with the inscription "Consulate of El Salvador" or "Consulate of Spain" and to fly the national flag at the consulate on days of public, national or religious celebrations.

Such outside signs shall serve only to indicate the consular premises and shall never be considered as a symbol of the right of asylum or as an

¹ Ministerio de Relaciones Exteriores, *Tratados, Convenciones y Acuerdos internacionales vigentes en El Salvador*, t. V, p. 9.

² The exchange of ratifications took place at San Salvador, on 20 April 1954.