

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 Treaty<sup>1</sup> between El Salvador and Spain,  
signed at San Salvador, on 6 November 1953<sup>2</sup>**

*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

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

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

impediment to any investigations or proceedings which the judicial authorities of the receiving State may have to conduct within the building.

*Article IV*

Career Consuls-General, Consuls and Vice-Consuls may not be obliged to appear as witnesses before the courts of the receiving State. When it is necessary for the local authorities to obtain a statement or information from such officials, such authorities shall request it in writing or go to the residence of the official in question to receive it personally.

*Article V*

The consular archives shall be inviolable and under no pretext shall the local authorities examine or touch papers belonging to the archives. Honorary Consular Agents who engage in commerce shall keep any books and papers relating to their trade or industrial activity separate from the consular archives.

*Article VI*

Honorary consular officials who are nationals of the sending State and who engage in a private gainful occupation shall be immune from arrest in civil proceedings. If it is considered necessary for them to attend any court of the country in which they exercise their functions, they shall be summoned by means of an official letter and they shall be treated with the greatest consideration.

*Article VII*

In the event of the incapacity, absence or death of a Consul or Vice-Consul, the next senior official or another person previously named by the head of the consular post to replace him shall be recognized as acting head of post, with the approval of the appropriate authority, and while acting as such shall enjoy all the rights and privileges pertaining to his office.

*Article VIII*

If either of the High Contracting Parties appoints a national of the other State as Consul or Vice-Consul in a port or town of that State, the official concerned shall keep his nationality and shall therefore remain subject to the laws and regulations of his State in so far as he is not thereby restricted in the exercise of his functions.

*Article IX*

Consular officials shall be entitled to lodge a complaint with the authorities of the district in which they reside and, if necessary, with the central Government, through the diplomatic representative of their country, if it has one and directly if it has not, against any violation of the treaties in force.

*Article X*

If a Consul-General, Consul, Vice-Consul or honorary Consular Agent dies without having named a person to replace him, the local authorities

shall immediately proceed to place seals on the archives, in the presence, if possible, of a consular official of another State resident in the district and of two nationals of the country whose interests the deceased official represented or, in their absence, two local notables, who shall place their seals across those of the local authorities.

A record of the entire proceedings shall be drawn up in duplicate, one copy being delivered to the Consul under whose authority the vacant consular post lies.

When a new official takes possession of the archives, the seals shall be broken in the presence of the local authorities.

#### *Article XI*

Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two countries shall be entitled to receive any statements which have to be made by captains, crew members and passengers, businessmen and any other nationals of their country at the consular offices, at the residence of the parties and aboard vessels of their country.

They shall also be authorized to act as notaries in accordance with the laws of their country with respect to:

1. Wills concerning their nationals and all other notarial acts relating to their nationals, including contracts of any kind, when such instruments will have effect in the country which they represent;
2. All contracts concluded between one or more nationals of their country and other persons nationals of the country in which they reside and acts to which only nationals of the latter country are parties provided that such acts relate exclusively to property situated in or business to be conducted in the territory of the State to which the Consul or Agent acting as notary belongs.

They may also translate and legalize any kind of record or document issued by the authorities or officials of their country.

All the above-mentioned instruments, together with copies, extracts or translations thereof, which have been duly legalized by the said Agents and sealed with the official seal of the Consulate or Vice-Consulate, shall have the same force and validity, in each of the two countries, as if they had been issued by a notary or other competent public official in one or other of the States, subject to due payment of all registration stamp duties and any other taxes or dues applicable in the country in which the act in question is to be executed.

#### *Article XII*

If a national of either of the two High Contracting Parties dies in the territory of the other, the competent local authorities shall immediately inform the Consul-General, Consul, Vice-Consul or Consular Agent of the district, who shall likewise inform the local authorities when a death is brought to his notice.

When a national of his country dies without leaving heirs or testamentary executors or when such heirs or executors are unknown, under legal impediment or absent, the Consul-General, Consul, Vice-Consul or Consular Agent, or a person designated by the Consul-General, shall perform the following acts:

1. He shall place seals, either at his own initiative or at the request of the parties concerned, on all the effects and movables and on the

papers of the deceased, informing the competent local authorities beforehand so that they may be present and place their seals across those of the consular official, neither to be broken except by common agreement.

The same procedure shall be followed when heirs resident abroad authorize the Consul, by any means, to place consular seals, even if there are legally competent heirs or a surviving spouse in the country.

2. He shall draw up, in the presence of the competent authority of the country, if the latter considers it necessary to be present, an inventory of all the property and effects of the deceased.

As regards the placing of seals, which shall take place as soon as possible, and the preparation of inventories, the official concerned shall fix the day and hour for the performance of each of these operations by agreement with the local authorities, informing them beforehand by a communication in writing of which the said authorities shall acknowledge receipt.

3. He shall arrange, in accordance with the customs of the country, for the sale of all the effects, movables and commodities belonging to the estate which are liable to deteriorate and he shall administer and liquidate the estate personally or appoint on his own responsibility an official to administer and liquidate the estate, there being no need for the local authorities to participate in these operations unless one or more nationals of the country or of a third country have claims against the estate. In the latter case, since the Consul has no power to settle the question, it shall be submitted to the courts for adjudication in accordance with the laws of the country in which the goods belonging to the estate are located; but the Consul shall participate as representative of the estate in any legal disputes although the estate shall not be considered liquidated until delivery of the appropriate judgement, to which he shall give effect provided no appeal against it is entered.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall announce the death of nationals of their country in one of the daily newspapers published in their consular district and shall not hand over the estate or the product of the estate to the legitimate heirs or their authorized representatives until they have paid any other debts which the deceased may have contracted in the country or until one year has elapsed after his death without any claim being made against the estate.

It is understood that the Consuls and Vice-Consuls of Spain shall have the right to administer and liquidate the estates of Spaniards who die in El Salvador even when the heirs are minor children born to Spaniards in El Salvador, this right corresponding to that of the Consuls of El Salvador in Spain to administer and liquidate the estates of Salvadorian nationals in like cases.

The Consuls of both countries shall be entitled, should occasion arise, to arrange for guardians of the property or persons of absent minor or legally impeded nationals of their countries, such guardians to be appointed in accordance with the law of their respective countries.

#### *Article XIII*

Consular officials shall be responsible for supervising the maintenance of internal order aboard merchant vessels of their country and shall have

jurisdiction in disputes between the captain, officers, seamen and any other persons included in the manifest with respect to contracts of employment or wages.

The right of consular officials to supervise the maintenance of internal order aboard merchant vessels of their State shall not in any way limit the jurisdiction of the local authorities when the vessels are anchored in ports or territorial waters.

*Article XIV*

In the case of officers, seamen and other persons who are members on any basis of the crew of war or merchant vessels of a consular official's nationality and who are suspected or accused of desertion from those vessels, the said official shall be entitled to have them detained, so that he may put them aboard a vessel and have them transported back to their country.

He shall do so by applying in writing to the competent authorities of the country concerned with a request for the offenders to be handed over to him, submitting the vessel's registers or manifest or other official documents to prove that the persons in question were members of the crew.

Such an application, thus supported by evidence, shall suffice for the delivery of the deserters and may not be refused unless it is duly proved that at the time of their entry in the manifest they were citizens of the country from which extradition is being requested.

All possible aid and assistance shall be given for the capture and arrest of the deserters, who shall be held under guard in the prisons of the country at the request and at the expense of the consular officer until the latter finds an opportunity to arrange for their departure. Nevertheless, if no such opportunity presents itself within two months from the day of their arrest, the deserters shall be released and may not be arrested again for the same reason.

If a deserter has committed an offence on land, his extradition shall be delayed until the competent court has given a judgement and the judgement has been carried out.

*Article XV*

Unless there is an agreement to the contrary between the owners, shippers and insurers, where vessels of either country enter any port of the other country or put into it in distress having suffered damage at sea, the Consuls-General, Consuls or Vice-Consuls of their State shall make arrangements for average adjustment, unless subjects of the country in which those officials reside or of a third country have an interest in such damage, in which case the competent local authority shall take cognizance of and settle the matter, save when there is amicable settlement or submission to arbitration by all the persons concerned.

*Article XVI*

All proceedings connected with the salvage of vessels of either of the High Contracting Parties which are wrecked on the coasts of the other shall be directed by the consular official of the country to which the vessel belongs in whose district the shipwreck occurs. Until the arrival of the consular official, who shall be informed of such events immediately, the local authorities shall take the measures necessary to protect persons and

save the wrecked property. Apart from such measures, the local authorities shall not intervene except to maintain order, to protect the interests of the salvors, if they do not belong to the shipwrecked crew, and to carry out the arrangements made for the entry or export of the salvaged merchandise. It is agreed that such merchandise, although not exempt from storage charges and customary dues, shall not be subject to any customs duty unless it is intended for consumption in the country in which the shipwreck took place.

The intervention of the local authorities in these various cases shall not occasion expense of any kind except such as may be caused by salvage operations and by measures to preserve merchandise which is saved or such as would be incurred in similar circumstances by vessels of the State in question.

*Article XVII*

Consular officers of each of the two countries shall enjoy, in the territory of the other, in addition to the rights, prerogatives, exemptions and privileges specified in this Treaty, all those at present granted or which may in the future be granted to consular officers of the same rank of the most favoured nation, provided that they are granted reciprocally and do not conflict with the provisions of this Treaty.

*Article XVIII*

This Treaty shall remain in force for a period of ten years from the date of the exchange of instruments of ratification; but unless one of the High Contracting Parties officially informs the other of its intention to terminate the treaty one year before the expiry of that period, it shall remain in force for both Parties until the expiry of one year after such notification is given at any subsequent time.

*Article XIX*

This Treaty shall be subject to ratification by the respective Governments and the instruments of ratification shall be exchanged as soon as possible.

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

DONE in duplicate at San Salvador on the sixth day of November in the year one thousand nine hundred and fifty-three.

Carlos AZUCAR CHAVEZ, h.

Juan GOMEZ DE MOLINA,  
Marqués de Fontana

PROTOCOL ANNEXED TO THE TREATY

In order to ensure more effective application of the provisions of the Treaty to which this Protocol is annexed, the two High Contracting Parties agree:

1. That the local authorities responsible for the relevant civil registers shall inform the Consul of the other High Party of any entry concerning the civil status, birth, marriage or death of nationals of the Consul's State made in those registers.
2. The competent authority of each of the High Contracting Parties shall

inform the Consul of the other High Party of any will or testament executed by nationals of the Consul's State before local officials.

Carlos AZUCAR CHAVEZ, h.

Juan GOMEZ DE MOLINA,  
Marqués de Fontana

**29. Consular Convention<sup>1</sup> between the United Kingdom of Great Britain and Northern Ireland and the United Mexican States, signed at Mexico City, on 20 March 1954<sup>2</sup>**

PART I. — APPLICATION AND DEFINITIONS

*Article 1*

This Convention applies —

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

(2) On the part of the United Mexican States to all the integral parts of the Federation including the adjacent islands in both oceans, as well as the islands of Guadelupe and those forming the Archipelago of Revillagigedo situated in the Pacific Ocean.

*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 the functions required by his office, 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 has been notified as constituting a territorial unit for the purpose of all or some of the articles of the Convention, in conformity with the provisions of article 37 of the Convention;

(4) The term “ nationals ” means,

(a) In relation to Her Majesty, all citizens of the United Kingdom and Colonies, all Southern Rhodesian citizens, 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 United Mexican States, all persons possessing Mexican nationality by birth or naturalization in accordance with the

<sup>1</sup> United Nations, *Treaty Series*, vol. 331, p. 22.

<sup>2</sup> Came into force on 1 April 1955.