

Article XX

1. The present Treaty shall not preclude the application of measures:
 - (a) Regulating the importation or exportation of gold or silver;
 - (b) Relating to fissionable materials, the radio-active by-products thereof, or the sources thereof;
 - (c) Regulating the production of or traffic in arms, ammunition and implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment; and
 - (d) Necessary to fulfill the obligations of a High Contracting Party for the maintenance or restoration of international peace and security, or necessary to protect its essential security interests.
2. The present Treaty does not accord any rights to engage in political activities.
3. The stipulations of the present Treaty shall not extend to advantages accorded by the United States of America or its Territories and possessions, irrespective of any future change in their political status, to one another, to the Republic of Cuba, to the Republic of the Philippines, to the Trust Territory of the Pacific Islands or to the Panama Canal Zone.
4. The provisions of article II, paragraph 1, shall be construed as extending to nationals of either High Contracting Party seeking to enter the territories of the other High Contracting Party solely for the purpose of developing and directing the operations of an enterprise in the territories of such other High Contracting Party in which their employer has invested or is actively in the process of investing a substantial amount of capital: provided that such employer is a national or company of the same nationality as the applicant and that the applicant is employed by such national or company in a responsible capacity.

32. Consular Convention¹ between the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany, signed at Bonn, on 30 July 1956²

...

PART II

APPOINTMENTS AND DISTRICTS

Article 2

(1) The sending State may establish and maintain consulates in the territories of the receiving State at any place where any third State possesses a consulate and at any other place where the receiving State agrees to the establishment of a consulate. It shall be within the discretion of the sending State to determine whether a consulate shall be a consulate-general, consulate, vice-consulate or consular agency.

¹ United Nations, *Treaty Series*, vol. 330, p. 234.

² Came into force on 28 December 1957.

(2) The sending State shall keep the receiving State informed of the limits of each of its consular districts and, subject to the provisions of paragraph (3) of this article, may prescribe these limits at its discretion.

(3) The receiving State shall have the right to object to the inclusion within a consular district

- (a) Of any area which is not within a consular district, and is not open to the official commercial representatives of a third State;
- (b) Of any territory outside the receiving State.

(4) Subject to the provisions of paragraph (5) of this article, a consular officer shall be entitled to perform the functions referred to in articles 17 to 36 and article 38 only within his own consular district or, in the case of a consular officer to whom the sending State has not allotted a separate consular district, within the district of his superintending consular officer or head of post, as the case may be.

(5) Upon notification to the receiving State a consular officer may perform consular functions outside his consular district or the district of his superintending consular officer or head of post, as the case may be, unless the receiving state objects.

PART III
LEGAL RIGHTS AND IMMUNITIES

Article 11

(5) A consular officer, together with his wife and minor children residing with him, shall be exempt from the requirements of the law of the territory with regard to the registration of foreigners and permission to reside, and shall not be subject to deportation.

(6) A consular employee, provided that he complies with the conditions specified in sub-paragraphs (b) and (c) of paragraph (8) shall, together with his wife and minor children residing with him, enjoy the same exemptions as specified in paragraph (5).

(7) A consular officer who is not a national of the receiving State shall enjoy exemption from jury, naval, military, air, police or administrative service of any kind. Such exemption shall also be enjoyed by a consular employee who complies with the conditions specified in paragraph (8).

(8) The conditions referred to in paragraphs (6) and (7) of this article are that the person concerned shall

- (a) Be a national of the sending State and not a national of the receiving State;
- (b) Not be engaged in private occupation for gain in the territory;
- (c) Be a permanent employee of the sending State, or, if not a permanent employee thereof, not have been ordinarily resident in the territory at the time of taking up his consular appointment.

Article 12

A consular officer, being a career consular officer, shall not, in respect of acts performed otherwise than in his official capacity, be detained in custody for an offence against the law of the territory, except

- (a) In the case of a grave offence as defined in paragraph (9) of article 1; or
- (b) In the case of any other offence, for the purpose of standing trial (it being understood that such detention shall only continue during the progress of proceedings in court, exclusive of any adjournments thereof), or upon conviction; or
- (c) At the request or with the consent of the sending State.

PART VII
SHIPPING

Article 31

(1) If a seaman deserts from a vessel of the sending State in a port of the receiving State, the administrative and judicial authorities of the territory shall, at the request of a consular officer, aid in apprehending the deserter and, on proof of the desertion, detain him and order him to be conveyed on board the vessel or delivered to the master (or such other person as may be entitled under the law of the territory to take delivery of him) to be so conveyed.

(2) The authorities of the territory shall not, however, be obliged to take action as contemplated in paragraph (1) of this article in respect of a seaman

- (a) Who is a national of the receiving State; or
- (b) In whose case there is reasonable cause for believing that his life or liberty will be endangered, for reasons of race, nationality, political opinion or religion, in any country to which the vessel is likely to go.

(3) The said authorities shall be entitled to suspend such action if the deserter is accused or has been convicted of an offence (other than the desertion) which is cognizable under the law of the territory, until such time as he has been tried and, if convicted, has undergone any punishment which may have been awarded to him for that offence.

Article 32

(1) The judicial authorities of the territory shall not entertain civil proceedings arising out of any dispute between the master and any member of the crew of a vessel of the sending State about wages or any contract of service, unless

- (a) In the case of the territories referred to in paragraph (1) of article 43, a consular officer shall have been notified of the proceedings and shall not have raised objection; and
- (b) In the case of the territories referred to in paragraph (2) of that article, all parties to the dispute so agree.

(2) Except at the request or with the consent of a consular officer, the judicial authorities of the territory shall not entertain prosecutions in respect of offences committed on board the vessel except offences

- (a) By or against any person other than the master or any member of the crew or by or against any national of the receiving State; or

- (b) Involving the tranquillity or safety of the port or the law of the territory regarding public health, immigration, the safety of life at sea, customs or any similar matter; or
 - (c) Falling within the definition of a grave offence as set out in paragraph (9) of article I of this Convention.
- (3) The administrative authorities of the territory shall not intervene in relation to any matter occurring on board the vessel except
- (a) Where a person has been charged with having committed on board an offence in respect of which the judicial authorities of the territory may, in conformity with sub-paragraph (a), (b) or (c) of paragraph (2) of this article, entertain a prosecution, or where there is reasonable cause to believe that such an offence is about to be, or is being or has been committed on board; or
 - (b) Where any member of the crew is detained in custody in any of the circumstances specified in sub-paragraph (a) or (b) of paragraph (4) of this article; or
 - (c) Where any other person is detained on board against his will, it being understood that the provisions of this sub-paragraph shall not be construed so as to authorise any intervention which would be contrary to international law; or
 - (d) For the purpose of taking any action or making any examination which they consider necessary in relation to any of the matters specified in sub-paragraph (b) of paragraph (2) of this article; or
 - (e) At the request or with the consent of a consular officer.
- (4) The authorities of the territory shall not treat as unlawful the detention in custody on the vessel of any member of the crew for disciplinary offences, unless
- (a) His detention is unlawful under the law of the sending State or is accompanied by unjustifiable severity or inhumanity; or
 - (b) There is reasonable cause for believing that his life or liberty will be endangered, for reasons of race, nationality, political opinion or religion, in any country to which the vessel is likely to go.
- (5) If, for the purpose of taking action in accordance with the foregoing provisions 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 appropriate 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 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 shall not, however, apply to any routine examination by the authorities of the territory with regard to public health, immigration or customs, nor to the detention of the vessel or of any portion of her cargo arising out of civil proceedings in the courts of the territory.

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