

at the request of the succession authority of the home country (article 45, paragraph 1).<sup>1</sup>

*Article 50*

DELIVERY OF THE ESTATE

1. If, after the completion of succession (probate, partition) proceedings, the decedent's movable estate or the moneys realized from the sale of his movable or immovable estate are to be delivered to heirs in the territory of the other Contracting Party, the estate or the moneys realized shall be delivered to the diplomatic or consular mission of such Party.

2. The succession authority shall issue instructions for the delivery of the estate to the diplomatic or consular mission if:

- (a) The deceased's creditors have failed to present their claims within three months after having been duly summoned to do so or the claims, having been presented, have been paid or secured.
- (b) All estate duties and other duties owed by the testator have been paid or secured ;
- (c) The competent authorities have approved the export of the estate, where such approval is required. Moneys shall be transferred in accordance with the applicable currency laws.

NOTE: Similar provisions may be found in the treaties concluded between the Union of Soviet Socialist Republics and Poland, 28 December 1957, articles 46, 48, 49 and 50. (United Nations, *Treaty Series*, vol. 320, p. 54); between Czechoslovakia and Albania, 16 January 1959, articles 35, 36, 38, 39 (*ibid.*, vol. 363, p. 242;) and between Romania and Hungary, 7 October 1958, articles 40, 41, 43 and 44 (*ibid.*, vol. 416). These treaties have been ratified.

**34. Treaty<sup>2</sup> of Commerce and Navigation between Japan and Norway, signed at Tokyo, on 28 February 1957<sup>3</sup>**

*Article 5*

1. Either Party shall have the right to appoint consular officers in the ports, towns and other localities within the territories of the other Party where any third country is permitted to have consular officers or in such other places as may be agreed upon by the Parties.

2. Consular officers of either Party, on a basis of reciprocity, shall enjoy, within the territories of the other Party, treatment no less favourable than that accorded to consular officers of any third country with respect to the rights, competence, honours, privileges, immunities and exemptions of a consular officer performing functions in the territories of such other Party.

<sup>1</sup> Article 45, para. 1, says: "Proceedings in matters of succession shall, with the exception specified in paragraph 4, be conducted by the succession authorities of the Contracting Party of which the testator was a citizen at the time of death."

<sup>2</sup> United Nations, *Treaty Series*, vol. 280, p. 88.

<sup>3</sup> Came into force on 14 October 1957.

*Article VI*

1. If a national of either Party dies within the territories of the other Party, the appropriate authorities of such other Party shall, to the extent practicable under existing procedures and within the limits of the information normally available to them, make every effort to notify the nearest competent consular officer of the country of which the deceased was a national. If the deceased leaves no known heir or testamentary executor within the territories of the country where the death took place, the competent consular officer shall have the right to represent the heirs of the deceased in compliance with the formalities laid down in the laws of the country within the territories of which the death took place. He may take all such steps and carry out all such acts as are necessary for a proper administration and liquidation of the estate, which are not contrary to or incompatible with the laws of the country within the territories of which such estate is located. None of the provisions of the present article shall be understood to prejudice the jurisdiction of the courts of the country within the territories of which the possessions of the deceased are located.

2. The provisions of the preceding paragraph shall also apply when a national of either Party, having possessions within the territories of the other Party, dies outside such territories without leaving any known heir or testamentary executor therein.

*Article XIII*

1. In case of shipwreck, damage at sea or forced putting in, either Party shall extend to vessels of the other Party the same assistance and protection and the same exemptions as are in like cases accorded to its own vessels. Goods salvaged from such vessels shall be exempt from all customs duties, unless the goods are entered for domestic consumption, in which case the prescribed duties shall be paid.

2. If a vessel of either Party has stranded or has been wrecked on the coasts of the other Party, the appropriate authorities of such other Party shall notify the occurrence to the nearest competent consular officer of the country to which the vessel belongs.

*Article XIV*

If a seaman deserts from a merchant vessel of either Party while the vessel is within the territorial waters of the other Party, the appropriate authorities of such other Party shall, within the limits of law, render every assistance in their power in order that the seaman may be apprehended, detained and sent back to the vessel, provided that a request to this effect has been made by the competent consular officer of the country to which the vessel belongs, and provided that assurance is given of reimbursement of the expenses to be incurred. The provisions of the present article, however, shall not apply to a seaman who is a national of the country where the desertion takes place.

*Article XV*

The competent consular officer of either Party may, within the territories of the other Party, take steps to maintain the internal order on board

merchant vessels of his country and decide disputes between the master and members of the crew, including disputes as to wages and contracts of service. The appropriate authorities of such other Party may, however, exercise their jurisdiction over disorders or offences on board such vessel within the territorial waters of such other Party:

- (a) When the authorities deem such disorders or offences to be of such a nature as tending to affect peace and order outside the vessel;
- (b) When persons other than the master or members of the crew or persons possessing the nationality of such other Party are involved in such disorders or offences;
- (c) When such offences involve the laws of such other Party regarding customs, public health or the safety of life at sea; and
- (d) When such offences constitute grave offences.

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### 35. Consular Treaty<sup>1</sup> between the Union of Soviet Socialist Republics and the German Democratic Republic, signed at Moscow, on 10 May 1957<sup>2</sup>

#### I. ACCEPTANCE OF CONSULS

##### *Article 1*

Each Contracting Party shall permit consuls-general, consuls, vice-consuls and consular agents (hereinafter referred to as consuls) sent by the other Contracting Party to exercise their activities in its territory. Before a consul is appointed, the sending State shall obtain the consent of the other Contracting Party to the appointment and also to the consular district.

##### *Article 2*

1. A consul shall enter upon his duties as soon as he has been appointed by the Government of the sending State and has been granted an exequatur by the receiving State. The consul's letter of appointment shall specify his consular district.

2. The function of a consul shall terminate on recall, by withdrawal of his exequatur or in case of his death.

##### *Article 3*

In case of the death, recall, or temporary absence of the consul or when the consul is unable to act for any other reason, his deputy shall be entitled to perform the duties of consul, provided that the competent authorities of the receiving State have been notified in advance of his official status. The acting consul temporarily in charge of the consulate shall be entitled to all the rights and privileges guaranteed to the consul by this Treaty.

<sup>1</sup> United Nations, *Treaty Series*, vol. 285, p. 152.

<sup>2</sup> Came into force on 11 October 1957.