

On the arrival of a Consul, who has been duly appointed, at his post, it shall be the duty of the Diplomatic Representatives to inform the Minister of Foreign Affairs, who shall in accordance with international usage forthwith issue the proper recognition of the said Consul, without fee or charge. Such recognition, however, may be withdrawn, should it be found that the said Consul has contravened international usage in the performance of his duties. At places where no Consul is appointed as aforesaid, the Consul of a friendly nation may be requested to perform the functions. At places where there is no Consular Representative the local authorities shall see that the subjects of the other Contracting Party enjoy the benefits of the present Treaty.

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8. Treaty¹ between the Government of Afghanistan and His Britannic Majesty's Government for the establishment of neighbourly relations, signed at Kabul, November 22, 1921²

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Article 4

The Government of Afghanistan agrees to the establishment of British Consulates at Kandahar and Jalalabad, and the British Government agrees to the establishment of an Afghan Consul-General at the headquarters of the Government of India and three Afghan Consulates at Calcutta, Karachi and Bombay. In the event of the Afghan Government desiring at any time to appoint Consular officers in any British territories other than India, a separate agreement shall be drawn up to provide for such appointments if they are approved by the British Government.

Article 5

The two High Contracting Parties mutually guarantee the personal safety and honourable treatment each of the representatives of the other, whether Minister, Consul-General or Consuls, within their own boundaries, and they agree that the said representatives shall be subject in the discharge of their duties to the provisions set forth in the second schedule annexed to this treaty. The British Government further agrees that the Minister, Consul-General and Consuls of Afghanistan shall, within the territorial limits within which they are permitted to reside or to exercise their functions, notwithstanding the provisions of the said schedule, receive and enjoy any rights or privileges which are or may hereafter be granted to or enjoyed by the Minister, Consul-General or Consuls of any other Government in the countries in which the places of residence of the said Minister, Consul-General and Consuls of Afghanistan are fixed; and the Government of Afghanistan likewise agrees that the Minister and Consuls of Great Britain shall, within the territorial limits within which they are permitted to reside or to exercise their functions, notwithstanding the provisions of the said schedule, receive and enjoy any rights or privileges which are or may hereafter be granted to or enjoyed by the Minister or Consuls of any other

¹ League of Nations, *Treaty Series*, vol. XIV, p. 67.

² The exchange of ratifications took place at Kabul, February 6, 1922.

Government in the countries in which the places of residence of the said Minister and Consuls of Great Britain are fixed.

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SCHEDULE II

LEGATIONS AND CONSULATES

(a) The Legations, Consulate-General and Consulates of the two High Contracting Parties shall at no time be used as places of refuge for political or ordinary offenders or as places of assembly for the furtherance of seditions or criminal movements or as magazines of arms.

(b) The Minister of His Britannic Majesty at the Court of Kabul shall, together with his family, Secretaries, Assistants, Attachés and any of his menial or domestic servants or his couriers who are British subjects, be exempt from the civil jurisdiction of the Afghan Government, provided that he shall furnish from time to time to the Afghan Government a list of persons in respect of whom such exemption is claimed, and, under a like proviso, the Minister of the Amir to the Royal Court of London to which all the Ambassadors of States are accredited shall, together with his family, Secretaries, Assistants, Attachés and any of his menial or domestic servants or his couriers who are Afghan subjects, be exempt from the civil jurisdiction of Great Britain. If an offence or crime is committed by an Afghan subject against the British Minister or the persons above mentioned who are attached to the British Legation, the case shall be tried according to the local law by the Courts of Afghanistan within whose jurisdiction the offence is committed, and the same procedure shall be observed vice versa with regard to offences committed in England by British subjects against the Afghan Minister or other persons above mentioned attached to the Afghan Legation.

(c) (i) A Consul-General, Consuls and members of their staffs and households, who are subjects of the State in which they are employed, shall remain subject in all respects to the jurisdiction, laws and regulations of such State.

(ii) A Consul-General, Consuls and members of their staffs and households, other than subjects of the State in which they are employed, shall be subject to the jurisdiction of the Courts of such State, in respect of any criminal offence committed against the Government or subjects of such State, provided that no Consul-General, Consul or member of their staff or household shall suffer any punishment other than fine; provided also that both Governments retain always the right to demand recall from their dominions of any Consul-General, Consul or member of their staff or household.

(iii) A Consul-General, Consuls and members of their staffs and households, other than subjects of the State in which they are employed, shall be subject to the jurisdiction of the Courts of the said State in respect of any civil cause of action arising in the territory of the said State, provided that they shall enjoy the customary facilities for the performance of their duties.

(iv) The Consul-General of Afghanistan and Consuls shall have a right to defend the interests of themselves or any members of their staffs and households who are subjects of their own Governments in any Court through

pleaders or by the presence of one of the consulate officials, with due regard to local procedure and laws.

(d) The Ministers, Consul-General and Consuls of the two High Contracting Parties and the members of their staffs and households shall not take any steps or commit any acts injurious to the interests of the Government of the country to which they are accredited.

(e) The Ministers, Consul-General and Consuls of the two Governments in either country shall be permitted to purchase or hire on behalf of their Governments residences for themselves and their staff and servants, or sites sufficient and suitable for the erection of such residence and grounds of a convenient size attached, and the respective Governments shall give all possible assistance towards such purchase or hire: provided that the Government of the country to which the Ministers or Consuls are accredited shall, in the event of an Embassy or Consulate being permanently withdrawn, have the right to acquire such residences or lands at a price to be mutually agreed on; and provided that the site purchased or hired shall not exceed 20 jaribs in area.

NOTE: Each jarib: 60×60 yards, English: 3,600 square yards.

(f) The Ministers, Consul-General and Consuls of the two Governments shall not acquire any immovable property in the country to which they are accredited without the permission of the Government of the said country.

(g) Neither of the two High Contracting Parties shall found a mosque, church or temple for the use of the public inside any of its Legations or Consulates, nor shall the Ministers, Consul-General or Consuls of either Government or their Secretaries or members of their staffs and households engage in any political agitation or movement within the country to which they are accredited or in which they are residing.

(h) The Ministers, Consul-General and Consuls of the two High Contracting Parties shall not grant naturalisation or passports or certificates of nationality or other documents of identity to the subjects of the country in which they are employed in such capacity.

(i) The Ministers of the two High Contracting Parties, besides their own wives and children, may have with them not more than thirty-five persons, and a Consul-General and Consuls, besides their own wives and children, not more than twenty persons. If it becomes necessary to employ in addition subjects of the Government of the country to which they are accredited, Ministers can employ not more than ten persons, and Consul-General and Consuls not more than five persons.

(j) The Ministers, Consul-General and Consuls of the two High Contracting Parties shall be at liberty to communicate freely with their own Government and with other official representatives of their Government in other countries by post, by telegraph and by wireless telegraphy in cypher or *en clair*, and to receive and despatch sealed bags by courier or post, subject to a limitation in the case of Ministers of 6 lb. per week, and in the case of a Consul-General and Consuls of 4 lb. per week, which shall be exempt from postal charges and examination, and the safe transmission of which shall, in the case of bags sent by post, be guaranteed by the Postal Departments of the two Governments.

(k) Each of the two Governments shall exempt from the payment of Customs or other duties all articles imported within its boundaries in reasonable

quantities for the personal use of the Minister of the other Government or of his family, provided that a certificate is furnished by the Minister at the time of importation that the articles are intended for such personal use.

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9. Convention¹ consulaire entre la France et la Pologne, signée à Paris, le 30 décembre 1925²

Article premier

Chacune des Hautes Parties contractantes aura la faculté d'établir des consulats généraux, consulats, vice-consulats et agences consulaires sur le territoire de l'autre Partie. Elles se réservent toutefois le droit de désigner les localités qu'elles jugeront convenables d'excepter, pourvu que cette réserve soit également applicable à toutes les Puissances.

Les consuls généraux, consuls, vice-consuls et agents consulaires, sur la présentation de leurs provisions, seront admis et reconnus selon les règles et formalités établies dans le pays de leur résidence. L'exequatur nécessaire pour le libre exercice des fonctions desdits agents leur sera délivré sans retard et sans frais, et, sur la production dudit exequatur, les autorités supérieures de leurs circonscriptions consulaires prendront immédiatement les mesures nécessaires pour qu'ils puissent s'acquitter des devoirs de leur charge, et qu'ils soient admis à la jouissance des immunités et exemptions qui y sont attachées.

Article 2

Les consuls généraux, consuls et vice-consuls pourront nommer des agents consulaires dans les villes, ports et localités de leurs circonscriptions consulaires respectives, sauf l'approbation du gouvernement de l'Etat de résidence.

Ces agents consulaires pourront être indistinctement choisis parmi les citoyens des deux Etats comme parmi ceux de nations tierces, et seront munis d'un brevet délivré par le consul qui les aura nommés et sous les ordres duquel ils seront placés.

Article 3

Les chefs des postes consulaires (consulats généraux, consulats, vice-consulats et agences consulaires) et les agents du service consulaire (consuls suppléants et adjoints, vice-consuls, attachés et secrétaires de chancellerie, chanceliers, élèves chanceliers, attachés et secrétaires consulaires, interprètes, commis de chancellerie), citoyens de l'Etat qui les nomme, jouiront de l'exemption de toute réquisition militaire personnelle, mobilière ou immobilière, ainsi que des contributions directes mobilières ayant le caractère d'impôt personnel, imposées par une autorité quelconque des Etats respectifs.

Ils seront également exempts de droits de douane ou autre taxe pour le mobilier à leur usage personnel qu'ils importeront pendant un délai de six mois courant du jour de la prise de possession de leur emploi.

¹ Société des Nations, *Recueil des Traités*, vol. LXXIII, p. 266.

² Entrée en vigueur le 27 mai 1928.