

United Nations Legislative Series

SUPPLEMENT

to the volume on

**LAWS AND REGULATIONS REGARDING
DIPLOMATIC AND CONSULAR
PRIVILEGES AND IMMUNITIES**



Série législative des Nations Unies

SUPPLÉMENT

au volume intitulé

**LOIS ET RÈGLEMENTS CONCERNANT
LES PRIVILÈGES ET IMMUNITÉS
DIPLOMATIQUES ET CONSULAIRES**

UNITED NATIONS

NATIONS UNIES

New York, 1963

ST/LEG/SER.B/13

UNITED NATIONS PUBLICATION

Sales No.: 63. V. 5

PUBLICATION DES NATIONS UNIES

Numéro de vente: 63. V. 5

INTRODUCTION

This volume has been prepared to supplement the volume of the *Legislative Series* entitled "Laws and regulations regarding diplomatic and consular privileges and immunities" (ST/LEG/SER.B/7). The texts which it contains have been reproduced in one of the preparatory documents of the United Nations Conference on Consular Relations, held at Vienna in 1963.

The treaties included in this volume are in force or have been in force at some time. Most of them have been supplied or indicated by Governments in response to a circular note dated 8 January 1962 addressed to them by the Secretary-General.

The treaties are given in chronological order. Many of them are accompanied by notes mentioning other treaties of a later date which are identical or similar and which, for that reason, have not been included in this volume.

In accordance with the practice followed in the publication of the *Legislative Series*, treaties are as a rule reproduced in the original language, where this is English or French. Treaties which are not available in either of these two languages have been translated and reproduced in English.

INTRODUCTION

Le présent volume a été préparé pour compléter le volume de la *Série législative* intitulé « Lois et règlements concernant les privilèges et immunités diplomatiques et consulaires » (ST/LEG/SER.B/7). Les textes qu'il contient ont été reproduits dans l'un des documents préparatoires de la Conférence des Nations Unies sur les relations consulaires, tenue à Vienne en 1963.

Les traités inclus dans le présent volume sont en vigueur ou l'ont été à un moment donné. La plupart d'entre eux ont été fournis ou signalés par les gouvernements en réponse à une note circulaire que le Secrétaire général leur a adressée en date du 8 janvier 1962.

Ces traités sont présentés dans l'ordre chronologique. Ils sont souvent accompagnés de notes mentionnant d'autres traités de date ultérieure qui sont identiques ou similaires et qui, de ce fait, n'ont pas été inclus dans le présent volume.

Conformément à la pratique suivie dans la publication de la *Série législative*, les traités sont, en principe, reproduits dans la langue originale, en anglais ou en français selon le cas. Les traités qui ne sont disponibles ni dans l'une ni dans l'autre de ces deux langues ont été traduits et reproduits en anglais.

TABLE OF CONTENTS
TABLE DES MATIÈRES

Bilateral treaties relating to consular relations

Traités bilatéraux concernant les relations consulaires

	<i>Page</i>
1. Convention consulaire entre les Pays-Bas et l'Italie, signée à La Haye, le 3 août 1875	1
2. Convention entre les Pays-Bas et l'Italie pour régler l'admission des consuls italiens dans les principaux ports des colonies néerlandaises, signée à La Haye, le 3 août 1875	5
3. Consular Convention between the United States of America and Romania, signed at Bucharest, on 5 and 17 June 1881	9
4. Consular Convention between Italy and the Republic of Guatemala, signed at Guatemala, November 13, 1905	13
5. Convention de commerce et de navigation entre l'Égypte et l'Italie, signée à Alexandrie, le 14 juillet 1906	20
6. Convention consulaire entre la Belgique et le Pérou, signée à Lima, le 18 juillet 1906	21
7. Treaty of Amity, Commerce and Navigation between Sweden and China, signed at Peking, on 2 July 1908	22
8. Treaty between the Government of Afghanistan and His Britannic Majesty's Government for the establishment of neighbourly relations, signed at Kabul, November 22, 1921	23
9. Convention consulaire entre la France et la Pologne, signée à Paris, le 30 décembre 1925	26
10. Consular Convention between the Republic of Cuba and the United States of America, signed at Havana, April 22, 1926	34
11. Traité consulaire, de navigation, de droits civils et commerciaux et d'établissement, entre l'Espagne et la Grèce, signé à Athènes, le 23 septembre 1926	40
12. Convention consulaire entre la France et la Tchécoslovaquie, signée à Paris, le 3 juin 1927	41
13. Convention consulaire entre la France et l'Albanie, signée à Tirana, le 5 février 1928	47
14. Traité d'amitié entre la Perse et la Belgique, signé à Téhéran, le 23 mai 1929	48
15. Consular Treaty between Germany and Turkey, signed at Ankara, 28 May 1929	49
16. Consular Convention between Cuba and Panama, signed at La Habana, October 17, 1929	61

	<i>Page</i>
17. Treaty of Friendship, Commerce and Navigation between Denmark and Siam, signed at Copenhagen, November 5, 1937 . . .	61
18. Consular Convention between the United States of America and Liberia, signed at Monrovia, 7 October 1938	63
19. Consular Convention between the United States of America and the United Mexican States, signed at Mexico, on 12 August 1942	65
20. Traité entre la République de Chine et l'Union économique belgo-luxembourgeoise relatif à l'abolition des droits d'extraterritorialité en Chine et au règlement des questions s'y rapportant, signé le 20 octobre 1943	67
21. Consular Convention between the Republic of the Philippines and the United States of America, signed at Manila, on 14 March 1947	68
22. Treaty of Commerce and Navigation between Denmark and Guatemala, signed at Guatemala City, on 4 March 1948	71
23. Traité consulaire, de navigation, des droits civils et commerciaux et d'établissement entre la Grèce et le Liban, signé à Beyrouth, le 6 octobre 1948	72
24. Consular Convention between the United States of America and Ireland, signed at Dublin, on 1 May 1950	79
25. Treaty of Peace and Friendship between the Government of India and the Government of Nepal, signed at Kathmandu, on 31 July 1950	97
26. Convention 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 1951	98
27. Consular Convention between the United Kingdom of Great Britain and Northern Ireland and France, signed at Paris, on 31 December 1951	98
28. Consular Treaty between El Salvador and Spain, signed at San Salvador, on 6 November 1953	105
29. Consular Convention between the United Kingdom of Great Britain and Northern Ireland and the United Mexican States, signed at Mexico City, on 20 March 1954	111
30. Convention consulaire entre la France et la Suède, signée à Paris, le 5 mars 1955	125
31. Treaty of Amity, Economic Relations, and Consular Rights between the United States of America and Iran, signed at Tehran, on 15 August 1955	136
32. Consular Convention between the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany, signed at Bonn, on 30 July 1956	139
33. Treaty between the Polish People's Republic and the German Democratic Republic concerning legal relations in civil, family and criminal cases, signed at Warsaw, on 1 February 1957	143
34. Treaty of Commerce and Navigation between Japan and Norway, signed at Tokyo, on 28 February 1957	144
35. Consular Treaty between the Union of Soviet Socialist Republics and the German Democratic Republic, signed at Moscow, on 10 May 1957	146
36. Consular Convention between the Polish People's Republic and the German Democratic Republic, signed at Warsaw, on 25 November 1957	152

	<i>Page</i>
37. Consular Convention between the Polish People's Republic and the Union of Soviet Socialist Republics, signed at Warsaw, on 21 January 1958	158
38. Consular Treaty between the Union of Soviet Socialist Republics and the Federal Republic of Germany, signed at Bonn, on 25 April 1958	160
39. Consular Treaty between the Union of Soviet Socialist Republics and the Republic of Austria, signed at Moscow, on 28 February 1959	162
40. Convention consulaire entre la République populaire hongroise et la République populaire de Pologne, signée à Varsovie, le 20 mai 1959	164
41. Consular Convention between the Union of Soviet Socialist Republics and the People's Republic of China, signed at Peking, on 23 June 1959	166
Subject index	167

1. Convention¹ consulaire entre les Pays-Bas et l'Italie, signée à La Haye, le 3 août 1875²

Article I

Chacune des deux Hautes Parties contractantes consent à admettre des consuls-généraux, consuls, vice-consuls et agents consulaires de l'autre dans tous ses ports, villes et places, excepté dans les localités où il y aurait inconvénient à admettre de tels agents.

Cette réserve, toutefois, ne sera pas appliquée à l'une des Hautes Parties contractantes, sans l'être également à toute autre Puissance.

Article II

Les consuls-généraux, consuls, vice-consuls et agents consulaires de chacune des Hautes Parties contractantes, avant d'être admis à l'exercice de leurs fonctions et de jouir des immunités qui y sont attachées, devront produire une commission dans la forme adoptée dans leur pays. Le Gouvernement territorial de chacune des deux Hautes Parties contractantes leur délivrera, sans aucun frais, l'exequatur nécessaire à l'exercice de leurs fonctions, et, sur l'exhibition de cette pièce, ils jouiront des droits, prérogatives et immunités accordés par la présente convention.

Le Gouvernement, qui accorde l'exequatur, aura la faculté de le retirer en indiquant les motifs pour lesquels il juge convenable de le faire.

Article III

Les consuls-généraux, consuls, vice-consuls et agents consulaires de chacune des deux Hautes Parties contractantes jouiront réciproquement dans les États de l'autre de tous les privilèges, exemptions et immunités dont jouissent les agents de même qualité de la nation la plus favorisée.

Ils seront, lorsqu'ils sont citoyens de l'État qui les a nommés, exempts du logement militaire, de tout service, tant dans l'armée régulière de terre ou de mer, que dans la garde nationale ou civique, ou milice.

Ils seront, pourvu qu'ils n'exercent aucun commerce ni aucune industrie, de même exempts de l'impôt personnel et de toutes autres impositions publiques, perçues pour le compte de l'État, des provinces ou des communes, et ayant un caractère direct ou personnel, sans que cette immunité puisse jamais s'étendre aux droits de douane, d'accise ou d'octroi, ou aux contributions indirectes.

Il est bien entendu que les contributions, auxquelles l'un de ces agents

¹ Nations Unies, *Recueil des Traités*, vol. 98, p. 30.

² Entrée en vigueur le 18 juillet 1876 et remise en vigueur le 16 août 1949 par une note des Pays-Bas au Gouvernement italien, conformément à l'article 44 du Traité de Paix avec l'Italie du 10 février 1947.

pourrait être sujet à raison des propriétés foncières qu'il posséderait dans le pays où il exerce ses fonctions, ne sont point comprises dans l'exemption ci-dessus mentionnée.

Article IV

Lorsque la justice de l'un des deux pays aura à entendre, comme témoin, un consul-général, un consul, vice-consul, ou agent consulaire de l'autre Haute Partie contractante, citoyen de l'Etat qui l'a nommé et n'exerçant aucun commerce ni aucune industrie, elle l'invitera, par écrit, à se présenter devant elle, et en cas d'empêchement, elle pourra lui demander son témoignage par écrit, ou se transporter à sa demeure ou chancellerie pour obtenir sa déposition de vive voix.

Pour appeler un desdits agents en témoignage devant la justice du pays où il réside, la partie intéressée, s'il s'agit d'une affaire civile, ou l'accusé, s'il s'agit d'une affaire pénale, devra, en conséquence, s'adresser au juge saisi de l'affaire, lequel invitera l'agent, dans la forme déterminée au paragraphe 1 du présent article, à faire sa déposition.

Lesdits agents devront satisfaire à cette invitation, sans toutefois pouvoir y être contraints par les moyens ordinaires.

Article V

Les consuls-généraux, consuls, vice-consuls et agents consulaires pourront placer au dessus de la porte extérieure de leur chancellerie ou de leur maison d'habitation un tableau aux armes de leur nation, avec une inscription portant ces mots: consulat général, consulat, vice-consulat ou agence consulaire d'Italie ou des Pays-Bas.

Ils pourront aussi y arborer le drapeau de leur pays.

Article VI

Les archives consulaires seront inviolables en tout temps, et les autorités locales ne pourront, sous aucun prétexte, visiter ou saisir les papiers qui en font partie.

Article VII

En cas d'empêchement, d'absence ou de décès des consuls-généraux, consuls, vice-consuls et agents consulaires, leurs chanceliers ou secrétaires, après que leur caractère officiel aura été notifié au Ministère des Affaires Etrangères à La Haye ou à Rome, seront de plein droit admis à gérer par intérim les affaires du consulat et jouiront pendant la durée de cette gestion temporaire, pour autant que leur position comme étrangers non commerçants y donne lieu conformément à l'article III, de tous les droits, privilèges et immunités accordés aux titulaires.

Article VIII

Les consuls-généraux et consuls pourront nommer, avec l'approbation des Gouvernements respectifs, des vice-consuls et agents consulaires dans les villes, ports et places compris dans leur arrondissement.

Ces agents pourront être choisis indistinctement parmi les Italiens, les Néerlandais ou les citoyens d'autres pays. Ils seront munis d'une commission régulière et jouiront des privilèges stipulés dans cette convention en faveur des agents du service consulaire, sauf les distinctions établies à l'article III.

Article IX

Les consuls-généraux, consuls, vice-consuls et agents consulaires des deux Hautes Parties contractantes auront le droit de s'adresser aux autorités du pays, de la province ou de la commune, dans toute l'étendue de leur arrondissement consulaire, pour réclamer contre toute infraction aux traités ou conventions existant entre les Pays-Bas et l'Italie, et pour protéger les droits et les intérêts de leurs nationaux.

Si leurs réclamations n'étaient pas accueillies par ces autorités, ils pourraient avoir recours, à défaut d'un agent diplomatique de leur pays, au Gouvernement de l'Etat dans lequel ils résident.

Article X

Les consuls-généraux, consuls, vice-consuls et agents consulaires auront le droit de recevoir dans leur chancellerie, dans leur demeure privée, dans celle des parties ou à bord des bâtiments, les déclarations des capitaines et équipages des navires de leur pays, des passagers qui se trouvent à bord, et de tout autre citoyen de leur nation.

Ils pourront traduire et légaliser toute espèce d'actes et de documents émanés des autorités ou fonctionnaires de leur pays et ces traductions dûment légalisées par les consuls-généraux, consuls, vice-consuls ou agents consulaires, et munies de leur cachet officiel, auront la même force et valeur que si elles eussent été faites par les interprètes jurés du pays.

Article XI

Les consuls-généraux, consuls, vice-consuls et agents consulaires respectifs seront, à la requête du capitaine ou de l'officier qui le remplace, exclusivement chargés de l'ordre intérieur à bord des navires de commerce de leur nation.

Ils connaîtront seuls de tous les différends qui se seront élevés en mer ou qui s'élèveront dans les ports entre le capitaine, les officiers et les hommes de l'équipage, y compris ceux qui concernent le règlement des salaires et l'exécution des engagements réciproquement consentis. Les tribunaux ou autres autorités du pays ne pourront à aucun titre s'immiscer dans ces différends, à moins que ceux-ci ne soient de nature à troubler la tranquillité et l'ordre public à terre ou dans le port, ou que des personnes étrangères à l'équipage ne s'y trouvent mêlées.

Article XII

Les consuls-généraux, consuls, vice-consuls et agents consulaires des deux pays pourront respectivement faire arrêter et renvoyer, soit à bord, soit dans leurs pays, les matelots qui auraient déserté d'un bâtiment de leur nation dans un des ports de l'autre.

A cet effet ils s'adresseront par écrit aux autorités locales compétentes, et justifieront par l'exhibition en original ou en copie dûment certifiée des registres du bâtiment, ou du rôle d'équipage, ou par d'autres documents officiels, que les individus qu'ils réclament, faisaient partie du dit équipage.

Sur cette demande ainsi justifiée, il leur sera donné toute aide pour la recherche et l'arrestation desdits déserteurs, qui seront même détenus et gardés dans les maisons d'arrêt du pays à la réquisition et aux frais des consuls-généraux, consuls, vice-consuls et autres agents consulaires, jusqu'à

ce que ces agents aient trouvé une occasion de faire partir les déserteurs.

Si pourtant cette occasion ne se présentait pas dans le délai de deux mois, à compter du jour de l'arrestation, les déserteurs seraient mis en liberté, et ne pourraient plus être arrêtés pour la même cause.

Il est entendu que les marins sujets de l'autre partie seront exceptés de la présente disposition.

Si le déserteur a commis quelque délit, il ne sera mis à la disposition du consul, qu'après que le tribunal, qui a droit d'en connaître, aura rendu son jugement et que celui-ci aura reçu son exécution.

Article XIII

A moins de stipulations contraires entre les armateurs, chargeurs et assureurs, toutes les avaries essayées à la mer par les navires des deux pays, soit qu'ils abordent volontairement au port, soit qu'ils se trouvent en relâche forcée, seront réglées par les consuls-généraux, les consuls, les vice-consuls ou les agents consulaires des pays respectifs.

Si, cependant, des habitants du pays ou des sujets ou citoyens d'une tierce nation se trouvaient intéressés dans les dites avaries, et que les parties ne pussent s'entendre à l'amiable, le recours à l'autorité locale compétente serait de droit.

Article XIV

Toutes les opérations relatives au sauvetage des navires néerlandais naufragés sur les côtes d'Italie, seront dirigées par les consuls-généraux, consuls, vice-consuls et agents consulaires des Pays-Bas, et réciproquement les consuls-généraux, consuls, vice-consuls et agents consulaires italiens dirigeront les opérations relatives au sauvetage des navires de leur nation, naufragés ou échoués sur la côte des Pays-Bas.

L'intervention des autorités locales aura seulement lieu dans les deux pays pour maintenir l'ordre, garantir les intérêts des sauveteurs s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des consuls-généraux, consuls, vice-consuls ou agents consulaires, les autorités locales devront d'ailleurs prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Il est de plus convenu que les marchandises sauvées ne seront tenues à aucun droit de douane, à moins qu'elles ne soient admises à la consommation intérieure.

Article XV

En cas de décès d'un sujet de l'une des Hautes Parties contractantes sur le territoire de l'autre, s'il n'y a sur les lieux aucun héritier connu, présent ou représenté, ou aucun exécuteur testamentaire institué par le défunt, ou, en cas de minorité des héritiers, aucun tuteur, les autorités compétentes devront immédiatement donner avis du décès au consul-général, consul, vice-consul ou agent consulaire le plus rapproché, afin qu'il puisse en être donné connaissance aux parties intéressées.

Lesdits agents auront dans ces cas, jusqu'à ce que les héritiers ou les exécuteurs testamentaires institués par le défunt, ou les tuteurs soient présents ou dûment représentés, le droit de faire, pour la conservation et

l'administration de la succession, tous les actes que la loi du pays où ils résident permet aux exécuteurs testamentaires d'exercer dans l'intérêt des héritiers ou des créanciers.

Article XVI

La présente Convention, laquelle n'est pas applicable aux colonies néerlandaises, ne sera exécutoire qu'à dater du vingtième jour après sa promulgation, dans les formes prescrites par les lois des deux pays.

Elle sera ratifiée aussitôt que possible et restera en vigueur jusqu'au 1^{er} janvier 1878. Dans le cas où aucune des parties contractantes n'aurait notifié, douze mois avant l'expiration de ladite période, son intention d'en faire cesser les effets, elle continuera à rester en vigueur pendant encore une année, et ainsi de suite jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre l'aura dénoncée.

NOTE. — Des dispositions substantiellement identiques se trouvent dans les Conventions consulaires conclues par la Belgique avec le Nicaragua, 2 octobre 1905 (De Martens, *Nouveau Recueil Général de Traités*, 3^e série, t. I, p. 310); le Danemark, 26 août 1909 (*ibid.*, 3^e série, t. V, p. 583); et la Bolivie, 21 août 1911 (*ibid.*, 3^e série, t. VIII). Ces traités ont été ratifiés.

2. Convention¹ entre les Pays-Bas et l'Italie pour régler l'admission des consuls italiens dans les principaux ports des colonies néerlandaises, signée à La Haye, le 3 août 1875²

Article I

Des consuls-généraux, consuls, vice-consuls et agents consulaires italiens sont admis dans tous les ports des possessions d'outre-mer ou colonies des Pays-Bas, qui sont ouverts aux navires de toutes nations.

Article II

Les consuls-généraux, consuls, vice-consuls et agents consulaires italiens sont considérés comme des agents commerciaux, protecteurs du commerce maritime de leurs nationaux dans les ports de la circonscription de leur arrondissement consulaire.

Ils seront sujets aux lois tant civiles que criminelles du pays où ils résident sauf les exceptions que la présente convention établit en leur faveur.

Article III

Les consuls-généraux, consuls et vice-consuls, avant d'être admis à l'exercice de leurs fonctions et de jouir des immunités qui y sont attachées, doivent produire une commission en due forme au Gouvernement de Sa Majesté le Roi des Pays-Bas.

¹ Nations Unies, *Recueil des Traités*, vol. 98, p. 36.

² Entrée en vigueur le 3 décembre 1875 et remise en vigueur le 16 août 1949 par une note des Pays-Bas au Gouvernement Italien, conformément à l'article 44 du Traité de Paix avec l'Italie du 10 février 1947.

Après avoir obtenu l'exequatur, qui sera aussi promptement que possible contresigné par le Gouvernement de la colonie, lesdits fonctionnaires consulaires de tout grade auront droit à la protection du Gouvernement, et à l'assistance des autorités locales pour le libre exercice de leurs fonctions.

Le Gouvernement, en accordant l'exequatur, se réserve la faculté de le retirer ou de le faire retirer par le Gouverneur de la colonie, en indiquant les motifs de cette mesure.

Article IV

Les consuls-généraux, consuls et vice-consuls sont autorisés à placer au-dessus de la porte extérieure de leur maison un tableau aux armes de leur Gouvernement, avec l'inscription: Consulat ou Vice-Consulat d'Italie.

Il est bien entendu que cette marque extérieure ne pourra jamais être considérée comme donnant droit d'asile, ni comme pouvant soustraire la maison et ceux qui l'habitent aux poursuites de la justice territoriale.

Article V

Il est néanmoins entendu que les archives et documents relatifs aux affaires consulaires seront protégés contre toute recherche, et qu'aucune autorité ni aucun magistrat ne pourra d'une manière quelconque et sous aucun prétexte les visiter, les saisir ou s'en enquérir.

Article VI

Les consuls-généraux, consuls, vice-consuls et agents consulaires ne sont investis d'aucun caractère diplomatique.

Toute demande à adresser au Gouvernement néerlandais devra avoir lieu par l'entremise de l'agent diplomatique résidant à La Haye.

A défaut de celui-ci et en cas d'urgence, le consul-général, consul ou vice-consul peut faire lui-même la demande au Gouverneur de la colonie, prouvant l'urgence et exposant les motifs pour lesquels la demande ne pourrait être adressée aux autorités subalternes, ou en démontrant que les demandes antérieurement adressées à ces autorités seraient restées sans effet.

Article VII

Les consuls-généraux et les consuls ont la faculté de nommer des agents consulaires dans les ports mentionnés à l'article 1^{er}.

Les agents consulaires pourront être indistinctement des sujets néerlandais, des Italiens ou des nationaux de tout autre pays, résidant ou pouvant, aux termes des lois locales, être admis à fixer leur résidence dans le port où l'agent consulaire sera nommé. Ces agents consulaires, dont la nomination sera soumise à l'approbation du Gouverneur de la colonie, seront munis d'un brevet délivré par le consul sous les ordres duquel ils exerceront leurs fonctions.

Le Gouverneur de la colonie peut en tout cas retirer aux agents consulaires, en communiquant au consul-général ou consul les motifs d'une telle mesure, l'approbation dont il vient d'être parlé.

Article VIII

Les passeports, délivrés ou visés par les fonctionnaires consulaires de tout grade, ne dispensent nullement de se munir de tous les actes requis par les

lois locales pour voyager ou s'établir dans les colonies. Au Gouverneur de la colonie est réservé le droit de défendre le séjour dans la colonie, ou d'ordonner la sortie de l'individu, auquel serait délivré un passeport.

Article IX

Lorsqu'un navire italien viendra à échouer sur les côtes d'une des colonies néerlandaises, le consul-général, consul, vice-consul ou agent consulaire, présent sur le lieu même du naufrage ou du sauvetage, prendra, en l'absence ou du consentement du capitaine, toutes les mesures nécessaires et propres à sauver le navire, la cargaison et tout ce qui y appartient.

En l'absence du consul-général, consul, vice-consul ou agent consulaire, les autorités néerlandaises du lieu où le navire aura échoué prendront les mesures prescrites par les lois de la colonie.

Article X

Les consuls-généraux, consuls, vice-consuls et agents consulaires peuvent, pour autant que l'extradition des déserteurs des navires italiens, marchands ou de guerre, a été stipulée par traité, requérir l'assistance des autorités locales pour l'arrestation, la détention et l'emprisonnement des déserteurs de ces navires; ils s'adresseront à cet effet aux fonctionnaires compétents et réclameront lesdits déserteurs par écrit, en prouvant par les registres du navire, les rôles d'équipage, ou par tout autre document authentique, que les individus réclamés faisaient partie des équipages. La réclamation étant appuyée de cette manière, l'extradition sera accordée.

Les autorités locales seront tenues à exercer toute l'autorité qu'elles possèdent, afin que l'arrestation des déserteurs ait lieu. Ces déserteurs arrêtés seront mis à la disposition desdits fonctionnaires consulaires, et pourront être écroués dans les prisons publiques, à la réquisition et aux frais de ceux qui les réclament, afin d'être dirigés sur les navires auxquels ils appartiennent, ou sur d'autres navires de la même nation. Mais si ces déserteurs ne sont pas renvoyés dans les trois mois à partir du jour de leur arrestation, ils seront mis en liberté et ne pourront plus être arrêtés pour la même cause.

Il est entendu toutefois, que si le déserteur se trouvait avoir commis quelque crime, délit ou contravention, il pourra être sursis à son extradition, jusqu'à ce que le tribunal saisi de l'affaire ait rendu sa sentence, et que celle-ci ait reçu son exécution.

Article XI

Lorsqu'un sujet italien vient à décéder sans laisser d'héritiers connus ou d'exécuteurs testamentaires, les autorités néerlandaises, chargées selon les lois de la colonie de l'administration de la succession, en donneront avis aux fonctionnaires consulaires, afin de transmettre aux intéressés les informations nécessaires.

Article XII

Les consuls-généraux, consuls, vice-consuls et agents consulaires d'Italie ont en cette qualité, pour autant que la législation italienne le permet, le droit d'être nommés arbitres dans les différends qui pourront s'élever entre les capitaines et les équipages des navires italiens, et ce sans l'intervention

des autorités locales, à moins que la conduite du capitaine ou des équipages n'ait été de nature à troubler l'ordre et la tranquillité du pays; ou que les consuls-généraux, consuls, vice-consuls et agents consulaires ne requièrent l'assistance desdites autorités pour mettre leurs décisions à exécution ou en maintenir l'autorité.

Il est toutefois entendu que ce jugement ou arbitrage spécial ne privera pas les parties en litige du droit d'en appeler, à leur retour, aux autorités judiciaires de leur propre pays, quand la législation de ce dernier leur reconnaît ce droit.

Article XIII

Les consuls-généraux, consuls, vice-consuls et agents consulaires, qui ne sont point sujets des Pays-Bas, qui au moment de leur nomination ne sont point établis comme habitants dans le Royaume des Pays-Bas ou ses colonies, et qui n'exercent aucune fonction, profession ou commerce outre leurs fonctions consulaires, sont, pour autant qu'en Italie les mêmes faveurs seraient accordées aux consuls-généraux, consuls et vice-consuls des Pays-Bas, exempts du logement militaire, de l'impôt personnel et de plus de toutes les impositions publiques ou municipales, qui seraient considérées comme étant d'une nature personnelle.

Cette exemption ne peut jamais s'étendre aux droits de douane ou autres impôts indirects, ou réels.

Les consuls-généraux, consuls, vice-consuls ou agents consulaires, qui ne sont point indigènes ou sujets reconnus des Pays-Bas, mais qui exerceraient conjointement avec leurs fonctions consulaires une profession ou un commerce quelconque, sont tenus de supporter et de payer, comme les sujets néerlandais et autres habitants, les charges, impositions et contributions.

Les consuls-généraux, consuls, vice-consuls et agents consulaires, sujets des Pays-Bas, mais auxquels il a été accordé d'exercer des fonctions consulaires conférées par le Gouvernement italien, sont obligés d'acquitter toutes les impositions ou contributions de quelque nature qu'elles puissent être.

Article XIV

Les consuls-généraux, consuls, vice-consuls et agents consulaires italiens jouiront de tous les autres privilèges, exemptions et immunités dans les colonies néerlandaises, qui pourraient par la suite être accordés aux agents de même rang de la nation la plus favorisée.

Article XV

La présente convention restera en vigueur pendant cinq ans à partir de l'échange des ratifications, lequel aura lieu dans le délai de quatre mois ou plus tôt si faire se peut.

Dans le cas où ni l'une, ni l'autre des Hautes Parties contractantes n'aurait notifié douze mois avant l'expiration de ladite période de cinq années son intention d'en faire cesser les effets, la convention continuera à rester en vigueur pendant encore une année, à partir du jour où l'une des deux parties l'aura dénoncée.

NOTE. — Des dispositions substantiellement identiques se trouvent dans les Conventions conclues par les Pays-Bas avec le Pérou, 25 septembre 1907 (De Martens, *Nouveau Recueil Général des Traités*, 3^e série, t. III, p. 1020); le Japon,

27 avril 1908 (*ibid.*, 3^e série, t. I, p. 930); la Chine, 8 mai 1911 (*ibid.*, 3^e série, t. VIII, p. 288); le Panama, 11 janvier 1912 (*ibid.*, 3^e série, t. IX, p. 515); le Chili, 4 novembre 1913 (Société des Nations, *Recueil des Traités*, vol. LXXXIV, p. 88); Cuba, 31 décembre 1913 (*ibid.*, vol. XIV, p. 38); le Guatemala, 7 mars 1914 (De Martens, *Nouveau Recueil de Traités*, 3^e série, t. XII, p. 124); l'Autriche, 6 novembre 1922 (Société des Nations, *Recueil des Traités*, vol. XVII, p. 376) et la Finlande, 9 mars 1925 (*ibid.*, vol. XLVII, p. 432). Ces traités ont été ratifiés.

3. Consular Convention¹ between the United States of America and Romania, signed at Bucharest, on 5 and 17 June 1881²

Article I

Each of the high contracting parties agrees to receive from the other, consuls-general, consuls, vice-consuls, and consular agents, in all its ports, cities and places except those where it may not be convenient to recognise such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other Power.

Article II

The consuls-general, consuls, vice-consuls and consular agents of each of the two high contracting parties shall enjoy reciprocally in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favoured nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries: the Government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument they shall be permitted to enjoy the rights, privileges, and immunities granted by this convention.

Article III

Consuls-general, consuls, vice-consuls, and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, State or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption

¹ United Nations, *Treaty Series*, vol. 48, p. 18.

² Came into force on 13 June 1883 and was kept in force by note dated 26 February 1948 of the Government of the United States of America to the Romanian Government, in pursuance of article 10 of the Treaty of Peace signed on 10 February 1947.

shall not, however, apply to consuls-general, consuls, vice-consuls, or consular agents engaged in any profession, business, or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

It is understood that the respective consuls, if they are merchants, shall be entirely submitted, as far as concerns preliminary arrest for commercial acts, to the legislation of the country in which they exercise their functions.

Article IV

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favour, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Roumania in the like cases.

Article V

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate General, or Consulate, or Vice-Consulate, or Consular Agency of the United States, or of Roumania.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

Article VI

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Article VII

In the event of the death, incapacity, or absence of consuls-general, vice-consuls, and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry of Foreign Affairs in Roumania, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

Article VIII

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports, and places within their consular jurisdiction. These agents may be selected from among citizens of the United States, Roumanians, or citizens of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exception specified in articles III and IV.

Article IX

Consuls-general, consuls, vice-consuls, and consular agents, shall have the right to address the administrative and judicial authorities, whether in the United States, of the Union, the States or the municipalities, or in Roumania, of the State, the district or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Roumania, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

Article X

Consuls-general, consuls, vice-consuls, and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies, or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls, and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Roumania.

Article XIII

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily, or are forced by stress

¹ Articles XI and XII of which Convention are deemed to have been abrogated July 1, 1916 as a result of a notice given to the Government of Romania by the Government of the United States of America pursuant to an Act of the Congress approved March 4, 1915.

of weather, shall be settled by the consuls-general, consuls, vice-consuls, and consular agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third Power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Article XIV

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Roumania, and of Roumanian vessels wrecked upon the coasts of the United States, shall be directed by the consuls-general, consuls, and vice-consuls of the two countries respectively and until their arrival, by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

Article XV

In case of the death of any citizen of the United States in Roumania, or of any Roumanian in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs in order that the necessary information may be immediately forwarded to parties interested.

Consuls-general, consuls, vice-consuls, and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

Article XVI

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Bucharest as soon as possible. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

NOTE: Similar provisions are to be found in the Convention concluded by the United States of America with Sweden, 1 June 1910 (*British and Foreign State Papers*, 1909-1910, vol. CIII, p. 1004). This Treaty has been ratified.

4. Consular Convention¹ between Italy and the Republic of Guatemala, signed at Guatemala, November 13, 1905²

Article I

Either of the High Contracting Powers will have the faculty of nominating Consuls-General, Consuls, Vice-Consuls, and Consular Agents in the ports, cities, and towns of the other, reserving to themselves respectively the right to except such places as they may deem advisable; but this exception may not be imposed on either of the High Contracting Parties unless equally imposed on all other Powers.

Article II

Consuls-General, Consuls, Vice-Consuls, and Consular Agents will be admitted and recognized reciprocally after the presentation of their Commissions, in accordance with the rules and formalities observed in the respective countries.

The exequatur needed for the free exercise of their functions will be issued without cost, and when the exequatur is presented the chief authorities in the place of residence of the consular officer will immediately make such dispositions as will enable the consular officer to fulfil the duties of his office and enjoy the exemptions, prerogatives, privileges, immunities, and honours attached to it.

Article III

Consular officers, whether Consuls-General, Consuls, Vice-Consuls, or Consular Agents, subjects of the State nominating them, will enjoy exemption from military billeting, or any other duty or public service, municipal or otherwise.

They will likewise be exempt from military contributions and direct contributions, whether personal or general and sumptuary, imposed by the State and by the provincial and municipal authorities, provided they do not possess real estate, are not in business, and do not follow any industry or profession, in which case they will be subject to the same charges, services, and contributions as are imposed upon natives.

Article IV

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may affix to the outside of the doors of their offices the coat-of-arms of their country, with the inscription: "Consulate," "Vice-Consulate," or "Consular Agency of . . ."

¹ *British and Foreign State Papers*, 1904-1905, vol. XCVIII, p. 725.

² The exchange of ratifications took place at Guatemala, June 2, 1906.

They may also fly the flag of their country over the Consular residence on days of public or national festivity, as also on other customary days.

They will also have the right to fly their national flag on the boats they use in the ports in the exercise of their duties.

Article V

The Consular archives are inviolable, and the territorial authorities may not under any circumstances examine or sequester the documents belonging thereto; but in the case of any offence the Consuls, Vice-Consuls, and Consular Agents are obliged to show to the local authorities the original documents which may have been impugned, so that the authorities themselves may make the necessary verifications.

All consular documents must be kept separate from the books and papers which may be in use in the business or industry followed by the respective Consuls, Vice-Consuls, or Consular Agents.

Article VI

In the case of impediment, absence, or death of Consuls-General, Consuls, and Vice-Consuls, the Consular Attachés, Chancellors, and Secretaries who are recognized and have been presented to the local authorities as such, will be permitted to act on giving due notice, and will be enabled, according to their standing, to exercise Consular functions temporarily, the authorities having no right to place any difficulties in their way. On the contrary, they are to give such officers all assistance and protection, and to accord them during their temporary office all the exemptions, prerogatives, and privileges stipulated for in the present Convention in favour of Consular Agents generally.

Article VII

Consuls-General and Consuls may appoint Vice-Consuls and Consular Agents in the cities, ports, and towns within their respective districts, provided that the approval of the territorial authorities be obtained.

Such officers may be selected at will from among citizens of either country, or from among foreigners, and will be provided with a patent issued by the Consul nominating them, and under whose orders they are to exercise their functions.

They will enjoy the same privileges stipulated for in the present Convention, with the exception of those contained in Article III.

Article VIII

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may address themselves to the authorities of their district to protest against any infraction of Commercial Conventions or Treaties existing between the two countries or against any injury their countrymen may complain about.

Article XII

Consuls-General, Consuls, Vice-Consuls, and Consular Agents, or their Chancellors, will have the right to receive in their chanceries, in the houses of the parties, and on board vessels of their own country, any declarations to be made by the captain, crew, passengers, merchants, or any other subject of their country.

Likewise they will have the right, acting as notaries, to receive the testamentary depositions of their co-nationals, and to perform any other notarial act even should such act have for object the mortgaging of property existing in the country to which the Consul or Consular Agent belongs.

In such cases the special dispositions in force in that country will be applied.

Such agents will likewise have the right to record in their respective offices all contracts involving personal responsibility between one or more of their countrymen, or between them and other persons within the country in which they reside, as also those which, notwithstanding their being exclusively of interest to the natives of the country in which the stipulations are made, have reference to property situated in, or business transactions to be fulfilled in, some part of the country to which the Consular Agent, recording such acts, belongs.

The testimonies and attestations duly legalized by such Consular Agents and sealed with the official seal of the Consulate, Vice-Consulate, or Consular Agency, will be good in law, both in the Republic of Guatemala and in the Kingdom of Italy, and will have the same force and value as though they had been authorised by notaries or other public functionaries of either country: Provided that such acts are drawn up in the form required by the laws of the State to which the Consuls or Consular Agents belong, and are afterwards registered, stamped, and subjected to all the other formalities in use in the country in which such acts are to take effect.

When the authenticity of a public document registered in the Chancery of one of the respective Consulates is doubted, its comparison with the original cannot be refused to the person asking for it, and the person in question has likewise the right to be present when such comparison takes place, should he desire it.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents may translate and legalize all kinds of documents emanating from the authorities or functionaries of their own countries. Such translations and legalization will in their place of residence have the same force and value as though they had been prepared by local interpreters.

Article XIII

In the case of the death of a subject of one of the Contracting Parties in the territory of the other, the Consul-General, Consul, Vice-Consul or Consular Agent in whose district the death may have occurred, must immediately advise the local authorities should he first become aware of the decease.

When a Guatemalan dies in Italy or an Italian in Guatemala without making a will or nominating a trustee under the will, or should the legal or testamentary heirs under the will be infants or be absent, or the trustee under the will not be at hand when the will is to be proved, the Consul-General, Consul, Vice-Consul or Consular Agent belonging to the country of the deceased will have the right to proceed successively in the following matters:

1. To affix his official seal at the request of interested parties to all the movable estate and papers of the deceased, giving notice of such action to the local authority, who may likewise assist and affix his own seals.
2. To make an inventory of all the goods and effects of the deceased,

in the presence of the local authority, should the latter, in consequence of the notice received, deem it advisable to be present.

The local authorities will affix their signatures to any acts drawn up in their presence, without charging any fees whatever for their official action.

3. To dispose by public auction of such movable possessions as are liable to deterioration, and of such as are difficult to keep, and also of such crops and effects for the disposal of which favourable opportunities present themselves.

4. To deposit in a place of security all the effects and valuables comprised in the inventory, to hold such credits as are collected and the product of the income either at the Consular Office, or confide them to a business man of good standing.

Such deposits are to be effected in either case with the concurrence of the local authority who may have intervened in the preceding formalities when, after the citation mentioned in the following paragraph, subjects of that Power or of a third Power, present themselves as interested parties.

5. To publish a notice of the death, and when necessary to cite through the medium of the press of the town or country of the deceased such creditors of the estate as may there exist, in order that these may present, within a fixed period determined by law, their respective documents duly legalized.

When creditors of the estate present themselves, the payment of their credits must be made within a period of fifteen days after the closing of the inventory, should funds exist which can be appropriated for such a purpose, and in the contrary case, as soon as the possessions can be liquidated in the most convenient manner, or finally within a period which may be established by mutual consent of the Consul and the majority of the interested parties.

Should the respective consuls refuse the payment of all or part of the credits, alleging insufficiency of effects to satisfy the claims, the creditors may, should they consider it to their interest, ask the competent authority to declare bankruptcy.

Such a declaration having been obtained by the legal means established in either of the countries, the Consuls and Vice-Consuls must immediately hand over to the judicial authorities or to the Receiver in Bankruptcy, as the case may be, all the documents, effects, and valuables belonging to the estate, and the said Agents will be charged with the representation of the heirs, absent parties, infants and incapacitated persons.

In any case, Consuls-General, Consuls and Vice-Consuls, may hand over the inheritance or the product thereof to the legal heirs or to those empowered by the latter to receive it, after the lapse of a period of six months, counting from the day when the announcement of the death was published in the papers.

6. To administer and to liquidate, personally or through a person nominated under his responsibility, the estate, whether a will exists or not, without the local authorities having the right to intervene in such transaction, unless subjects of the country, or of a third Power desire to enforce their rights against such estate, in which case, should difficulties arise out of any claim in contention between the parties, the Consuls-General, Consuls, and Consular Agents, having no power to decide in such matters, the question must be submitted to the Tribunals of the country which have the right to investigate and give a decision with regard thereto.

The said Consular Agents will likewise act as the representatives of the heirs under the will or in case of intestacy, of the heirs at law, that is to say, that whilst they definitely retain the administration and the right to liquidate the estate, as also to proceed to the sale of the effects in accordance with the rules previously laid down, they will watch the interests of the heirs and have the right to nominate the lawyers charged with the duty of defending such rights before the Tribunals, it being understood that they are to exhibit all the documents needed to clear up any question submitted to the judgment of the Tribunals. Sentence having been pronounced, the Consul-General, Consul, Vice-Consul, or Consular Agent, must act in accordance with it, unless notice of appeal has been given, and they may likewise continue the liquidation which had been suspended pending the settlement of the controversy.

7. To assume, when occasion arises, the responsibility of guardianship, in accordance with the laws of the respective country.

Article XIV

Should a Guatemalan die in Italy or an Italian in Guatemala at a place where no Consular Agent of his nationality resides, the competent local authority will proceed, according to the laws of the country, to take the inventory of the effects, and the liquidation of the property existing, and he will be under the obligation to give within the least possible time an account of the result of his action to the Guatemalan or Italian Embassy or Legation, Consulate, or Vice-Consulate nearest to the place where the estate exists.

The nearest Consular Agent, personally or by means of a representative, will immediately present himself at the place where the estate exists, the intervention of the local authority being limited to the dispositions contained in article XIII of this Convention.

Article XV

The subjects of both Parties will have free access to the Courts of Justice to enforce or defend their rights, without any further conditions, restrictions, or taxes beyond those imposed upon natives.

They will also have equally with the natives the right to freely select their defending Counsel, and to be present at the hearing, trials, and sentences of the Tribunal in cases in which they are interested, as also to be present at the reports, examinations and depositions of witnesses which may take place before the said Courts, provided that the laws of the two countries allow the publicity of such acts.

They will also enjoy gratuitous judicial assistance in the same cases and under the same conditions in which the laws of the country accord such advantage to natives.

In every case the certificate of indigence is to be furnished to the person applying for such assistance by the authorities in the place of his ordinary residence.

Should such person not reside in the country in which he makes the application, the said certificate is to be legalized by the Diplomatic or Consular Agent of the country in which the certificate is to be presented.

Should the applicant reside in the country in which he makes the application, reports may also be asked for from the authorities of the nation to which he belongs.

Article XVI

Indigent subjects of the two countries will be assisted and treated with entire reciprocity in accordance with the laws of the respective States.

Article XVII

Consuls-General, Consuls, Vice-Consuls, and Consular Agents, will take entire charge of inventories and other acts undertaken for the safeguarding of the estates left by seamen and passengers of their country having died on shore or on board of vessels of their country during the passage, or in the port of arrival.

Article XVIII

A Consul-General, Consul, Vice-Consul, or Consular Agent may proceed personally, or send a representative on board the vessels of his country when once pratique has been given, they may question the captain and crew, examine the ship's papers, receive declarations as to the voyage and incidents of the passage, extend manifests, and facilitate the dispatch of the vessels, and finally they may accompany the officers before the Tribunals or to Administrative Offices of the country to act for them as interpreters or agents in the matters they have pending, or in petition to be presented.

Article XIX

In everything concerning the police of the port, the loading and unloading of the vessels, and the safety of the goods, merchandise, or effects, the laws, statutes, and regulations of the country will be observed. Consuls-General, Consuls, Vice-Consuls, and Consular Agents, will be exclusively charged with the maintenance of order on board of merchant-vessels of their country, and they will take cognizance of questions arising between the captain, officers, and crew, particularly with matters relating to pay, and the compliance with agreements reciprocally entered into.

The local authorities cannot intervene, excepting when a disturbance occurring on board of the vessels is of such a nature as to disturb tranquillity and public order on shore and in the port, or when any one belonging to the country or not belonging to the crew is implicated in the disturbance.

In all other cases the local authorities will limit themselves to rendering assistance to the Consuls, Vice-Consuls, and Consular Agents when requested, to arrest any one inscribed in the ship's books, provided always that they deem it advisable.

Article XX

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may cause to be arrested and sent on board seamen and other persons forming part of the crew of merchant-vessels and ships-of-war of their country, who may have deserted to the territory of the other State.

For this purpose they must address themselves in writing to the competent authority and justify their action by the exhibition of the ship's books or list of the crew, or by means of authenticated copies, or extracts of the same, to the effect that the persons claimed really form part of the crew.

In presenting this application, thus justified, the surrender of the deserter cannot be refused. Further, every assistance and help will be given to the said Consular Agents in the pursuit and arrest of deserters.

The High Contracting Parties agree that seamen and other members of the crew, subjects of the country in which the desertion takes place, are exempted from the stipulations of the present Convention.

Article XXI

When no agreement to the contrary exists between the owners, charterers, shippers and assurers, damage suffered during the navigation of the ships of both countries, when they enter the port, either voluntarily or are compelled to do so by *force majeure*, will be estimated by the Consuls-General, Consuls and Vice-Consuls of the respective country, except in cases in which subjects of the country in which the Consular Agent resides, or of a third Power, are interested in the said damage, in which case, and in default of an amicable settlement between all the interested parties, the damage will be estimated by the local authorities.

Article XXII

In the case of a vessel belonging to the Government or a subject of one of the High Contracting Parties suffering wreck or running aground on the coasts of the other, the authorities are to inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district, or in the absence of such, the Consul-General, Consul, Vice-Consul or Consular Agent nearest to the place where the accident happened.

All operations in regard to the salvage of Guatemalan vessels wrecked or running aground in the territorial waters of Italy will be undertaken by the Guatemalan Consuls-General, Consuls, Vice-Consuls or Consular Agents, and reciprocally all operations in regard to the salvage of Italian vessels suffering wreck or running aground in Guatemalan territorial waters will be undertaken by the Italian Consuls-General, Consuls, Vice-Consuls, or Consular Agents.

The intervention of the local authorities will only occur in both countries in order to assist the Consular Agents and to maintain order, to guarantee the interests of salvors not belonging to the crew, and to insure the compliance with such regulations as are to be observed in the entry and clearance of the merchandise saved.

In the absence of and until the arrival of the Consul-General or Consul, or of the persons delegated by them for the purpose, the local authorities are to take measures for the protection of individuals and the preservation of goods which may have been saved from the wreck.

The intervention of the local authorities on these occasions will not give rise to the levying of dues of any description excepting such as national vessels would bear in similar cases or the expenses incurred in salvage, and for the care of the salvaged goods.

In case of doubts as to the nationality of the wrecked vessel, the operations mentioned in the present article will be exclusively undertaken by the competent local authorities.

The High Contracting Powers further agree that the merchandise and effects saved will not be subject to any payment of customs duties, unless such be sold for consumption in the country.

Article XXIII

It is likewise agreed that the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents, as also the Chancellors, secretaries, pupils, and student-Consuls, will enjoy in both countries all the exemptions, prerogatives, and privileges actually conceded, or to be conceded, provided that they are reciprocal, and do not arise out of Treaties or Conventions which have been denounced.

Article XXIV

In case of defect or insufficiency in the dispositions of the present Convention, recourse will be had to the general principles of international law and of international use and custom, the strictest reciprocity being observed in all cases.

Article XXV

The present Convention will remain in force for a period of ten years, counting from the date of the exchange of ratifications; but should neither of the Parties have communicated to the other one year before the expiration of that period its intention of terminating the Convention, it will remain in force until one year after the said declaration is made at whatever period the same may take place.

Article XXVI

The stipulations contained in the preceding Articles will come into force in the two States immediately after the exchange of ratifications.

Article XXVII

The present Convention shall be approved by the Legislative Bodies in accordance with the laws of the respective countries, and be ratified by the High Contracting Parties, and the ratifications exchanged at Guatemala within a period of eighteen months, or previously if possible.

5. Convention¹ de commerce et de navigation entre l'Égypte et l'Italie, signée à Alexandrie, le 14 juillet 1906²

• • •

Article 14

Sont exemptés de toute vérification dans les douanes égyptiennes, aussi bien que du paiement des droits à l'entrée et à la sortie, les objets d'usage et effets personnels appartenant aux titulaires ou gérants de l'Agence Diplomatique d'Italie ou d'un consulat ou d'un vice-consulat, lorsqu'ils sont de carrière (missi) et qu'ils n'exercent aucune autre profession, ne s'occupent ni de commerce ni d'industrie et ne possèdent ni n'exploitent de biens-fonds en Egypte.

¹ De Martens, *Nouveau Recueil Général de Traités*, 3^e série, t. III, p. 874.

² Les ratifications ont été échangées au Caire, le 16 février 1909.

La même franchise est accordée pour l'Agence Diplomatique à deux officiers de cette Agence et dans chaque consulat à un officier de ce consulat, à la demande de l'Agence Diplomatique ou du Consul, à la condition toutefois que ces officiers appartiennent à la catégorie des fonctionnaires qui sont nommés par décret souverain et auxquels le commerce est absolument interdit.

...

6. Convention¹ consulaire entre la Belgique et le Pérou, signée à Lima, le 18 juillet 1906²

...

Article 4

En cas de décès, d'empêchement ou d'absence des consuls généraux, consuls, vice-consuls et agents consulaires, leurs chanceliers ou secrétaires, après que leur caractère officiel aura été notifié au ministère des affaires étrangères en Belgique ou au ministère des relations extérieures du Pérou, seront, de plein droit, admis à gérer, par intérim, les affaires des postes respectifs; ils jouiront, pendant toute la durée de cette gestion temporaire, de tous les droits, prérogatives et immunités accordés aux titulaires. En cas de décès de l'agent du service consulaire, s'il n'y a sur place ni remplaçant autorisé, ni légation de l'Etat auquel appartenait l'agent, les autorités locales s'adresseront au consul le plus proche pour faire apposer les scellés sur les archives du poste. En cas d'absence ou d'empêchement de ce dernier, elles feront procéder à cette formalité en présence de deux témoins désignés à cette fin; la levée des scellés aura lieu en présence, si faire se peut, des mêmes témoins et de la personne dûment autorisée à prendre possession des archives délaissée par le défunt.

...

Article 8

Les consuls généraux, consuls, vice-consuls et agents consulaires, citoyens de l'Etat qui les a nommés, seront exempts du logement militaire, de tout service, tant dans l'armée régulière de terre ou de mer que dans la garde nationale ou milice; ils seront de même exempts de toutes les contributions directes au profit de l'Etat, des provinces ou des communes et dont la perception se fait sur des listes nominatives, à moins qu'elles ne soient imposées à raison de la possession de biens immeubles ou sur les intérêts d'un capital employé dans l'Etat où lesdits agents exercent leurs fonctions. Cette exemption ne pourra cependant pas s'appliquer aux consuls généraux, consuls, vice-consuls et agents consulaires qui exerceraient une profession, une industrie ou un commerce quelconque, lesdits agents devant en ce cas, être soumis au paiement des taxes dues par tout autre étranger dans les mêmes conditions. Les agents du service consulaire, citoyens du pays qui les a nommés et n'exerçant aucun commerce, industrie ou profession, ne pourront être arrêtés préventivement que dans le cas de crime qualifié et puni comme tel par la législation locale.

...

¹ De Martens, *Nouveau Recueil Général de Traités*, 3^e série, t. III, p. 913.

² Les ratifications ont été échangées à Lima, le 27 février 1909.

Article 10

Les consuls généraux, consuls, vice-consuls et agents consulaires de chacune des deux Hautes Parties contractantes auront le droit de recevoir dans leurs chancelleries, dans leur demeure privée, dans celle des parties ou à bord des bâtiments, les déclarations des capitaines et équipages des navires de leur pays, des passagers qui se trouvent à bord et de tout autre citoyen de leur nation.

Lesdits agents auront en outre le droit de dresser, conformément aux lois et règlements de leur pays, dans leurs chancelleries ou bureaux, les actes de naissance, de reconnaissance d'enfant naturel, de mariage, de divorce et de décès concernant les citoyens du pays qui les a nommés. Ils pourront également dresser, conformément aux lois et règlements de leur pays, tous actes conventionnels passés entre des citoyens de leur pays et des citoyens ou autres habitants du pays où ils résident, et même tous actes de ces derniers, pourvu que ces actes aient rapport à des biens situés ou à des affaires à traiter sur le territoire de la nation à laquelle appartiendra le consul ou l'agent devant lequel ils seront passés.

Les expéditions, copies ou traductions des actes dressés et des déclarations reçues en vertu des dispositions du présent article feront foi en justice comme le feraient les originaux eux-mêmes dans les tribunaux de Belgique et du Pérou, pourvu qu'elles soient dûment certifiées par les consuls généraux, consuls, vice-consuls et agents consulaires dans l'exercice de leurs fonctions, munies de leur cachet officiel et revêtues des légalisations nécessaires.

NOTE. — Les autres dispositions de cette Convention sont substantiellement identiques aux dispositions correspondantes de la Convention entre les Pays-Bas et l'Italie. (Convention n° 1, reproduite plus haut.)

7. Treaty¹ of Amity, Commerce and Navigation between Sweden and China, signed at Peking, on 2 July 1908²

Article III

His Majesty the King of Sweden may appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at such of the ports, cities and towns of China, which are now or may hereafter be opened to foreign residence and trade, as the interests of the Kingdom of Sweden may require.

His Majesty the Emperor of China may appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at all places in Sweden where Consular officers of other nations are now or may hereafter be allowed to reside, as the interests of the Empire of China may require.

The Consuls and other officials of the High Contracting Parties shall treat each other with due respect, and they shall enjoy each in the other's country all the attributes, authority, privileges and immunities which are or may hereafter be extended to similar officers of the most favoured nation.

¹ De Martens, *Nouveau Recueil Général de Traités*, 3^e série, t. III, p. 290.

² The exchange of ratifications took place at Peking, on 14 June 1909.

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.

. . .

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

. . .

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.

. . .

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.

. . .

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.

Si toutefois lesdits agents possèdent des biens immeubles, font le commerce, exercent quelque industrie ou profession, ou ont des capitaux engagés dans des entreprises industrielles ou commerciales, ils ne pourront prétendre sous ces divers rapports à aucun privilège et resteront soumis aux mêmes taxes, charges et impositions que les autres particuliers dans les mêmes conditions; mais ils seront exempts de la charge des logements militaires pour les locaux affectés au bureau de leur chancellerie et à leurs archives, immunité dont seront appelés à bénéficier même les agents ressortissants de tierces Puissances ou ressortissants de l'Etat de leur résidence.

Article 4

Les chefs de poste et agents du service consulaire, citoyens ou non de l'Etat qui les nomme ne seront pas justiciables des tribunaux de l'Etat de leur résidence à raison des actes de leurs fonctions accomplis par eux dans les limites des attributions qui leur sont reconnues par la présente convention.

Au cas où un agent invoquerait cette exception devant une autorité de l'Etat de sa résidence, celle-ci devra s'abstenir de statuer, toutes les difficultés de cette nature devant toujours être réglées par la voie diplomatique.

Les chefs de poste et agents du service consulaire, citoyens de l'Etat qui les nomme, ne pourront être mis en état d'arrestation préventive, sauf pour les infractions punissables d'après la législation locale d'un emprisonnement de cinq ans au moins. En cas d'arrestation ou de poursuites, le gouvernement de l'Etat de résidence en informera aussitôt que possible l'agent diplomatique dont relèvent les fonctionnaires précités.

Les chefs de poste et agents du service consulaire, citoyens de l'Etat qui les nomme, seront exempts de la contrainte par corps, tant en matière civile qu'à l'occasion d'actes de commerce isolés (tels que la signature ou l'endossement d'une lettre de change) et, s'ils sont négociants, la contrainte par corps ne pourra leur être appliquée que pour les seuls faits de leur commerce et non pour causes civiles.

Les chefs de poste et agents du service consulaire, non citoyens de l'Etat de leur résidence, devront déférer aux invitations qui leur seront adressées, sans menace de sanctions pénales en cas de non-comparution, par les tribunaux de l'Etat de leur résidence, à l'effet de comparaître comme témoins; mais ils pourront, s'il échet, faire valoir comme motifs légitimes, pour remise de leur audition à une date ultérieure, mais peu éloignée, des empêchements résultant des nécessités urgentes de service.

Ils pourront également se refuser à déposer ou à produire des pièces dont ils seraient détenteurs, en opposant le secret professionnel ou d'Etat. Au cas où elle n'admettrait pas cette excuse ou cette exception comme fondée, l'autorité judiciaire devra s'abstenir de toute mesure coercitive à l'égard de l'agent, les difficultés de cette nature devant toujours être réglées par la voie diplomatique.

Sous réserve des privilèges et immunités mentionnés ci-dessus, les chefs de poste et agents du service consulaire seront soumis dans les mêmes conditions que les nationaux, tant en matière civile qu'en matière criminelle, à la juridiction des tribunaux de l'Etat de leur résidence.

Article 5

Les chefs de poste et les agents du service consulaire des deux Hautes Parties contractantes pourront placer au-dessus de la porte extérieure de la

maison consulaire l'écusson des armes de leur nation avec cette inscription: Consulat général, consulat, vice-consulat ou agence consulaire de . . .

Ils pourront également arborer le pavillon de leur pays sur la maison consulaire aux jours de solennités publiques, ainsi que dans d'autres circonstances d'usage, étant bien entendu que ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile.

Ils pourront, dans les mêmes conditions et sous les réserves formulées dans le paragraphe précédent en ce qui concerne le droit d'asile, arborer le pavillon de leur nation sur le bateau qu'ils monteraient dans le port pour l'exercice de leurs fonctions.

Article 6

Les archives consulaires seront inviolables en tout temps, et les autorités locales ne pourront, sous aucun prétexte, visiter ou saisir les papiers, documents et registres qui en font partie.

Ces papiers, documents et registres devront toujours être complètement séparés des livres, papiers et documents personnels ou relatifs au commerce ou à l'industrie que pourraient exercer les fonctionnaires consulaires respectifs.

Si un chef de poste ou un agent du service consulaire de l'une des deux Hautes Parties contractantes requis par l'autorité judiciaire ou administrative locale de se dessaisir de papiers, documents ou registres classés dans ces archives ou de les produire, se refuse à le faire, l'autorité judiciaire ou administrative ne pourra user à son égard d'aucune mesure coercitive, toutes difficultés de cette nature devant être réglées par la voie diplomatique.

Article 7

En cas d'empêchement, d'absence ou de décès des chefs de poste, les agents du service consulaire seront admis de plein droit, dans l'ordre prescrit par les règlements de chacune des Hautes Parties contractantes, à exercer par intérim les fonctions consulaires.

Les autorités locales devront leur prêter assistance et protection, et leur assurer pendant leur gestion intérimaire la jouissance des exemptions, prérogatives, immunités et privilèges réciproquement reconnus par la présente convention aux titulaires. Elles devront également donner toutes les facilités désirables aux agents intérimaires que les consuls généraux, consuls et vice-consuls désigneraient pour remplacer momentanément les agents consulaires ou décédés.

Article 8

Les consuls généraux, consuls, vice-consuls et agents consulaires sont admis à protéger les ressortissants de l'Etat qui les a nommés et à défendre en vertu du droit et des usages internationaux, tous les droits et intérêts de ces ressortissants.

A cet effet, ils pourront s'adresser à toutes les autorités de leur circonscription pour réclamer contre toute infraction aux traités ou conventions existant entre les deux pays, et contre tout abus dont leurs nationaux pourraient avoir à se plaindre. Si leurs réclamations n'étaient pas accueillies par ces autorités, ils ne pourraient avoir recours directement au gouvernement de l'Etat dans lequel ils résident qu'en l'absence de tout agent diplomatique de leur pays.

Article 9

Les consuls généraux, consuls, vice-consuls et agents consulaires pourront recevoir en chancellerie les déclarations des naissances et décès de leurs nationaux, mais les intéressés seront tenus d'effectuer les déclarations imposées par les lois territoriales.

Article 10

En cas de décès d'un ressortissant de l'un des Etats contractants sur le territoire de l'autre, l'autorité territoriale compétente devra en aviser immédiatement l'agent dans la circonscription duquel le décès a eu lieu et lui transmettre dans le plus bref délai une expédition sans frais de l'acte de décès du défunt.

Article 11

Si un Français laisse des biens en Pologne ou si un Polonais laisse des biens en France et que les ayants droit à sa succession ou certains d'entre eux soient inconnus ou absents, les consuls généraux, consuls, vice-consuls et agents consulaires auront qualité pour requérir l'apposition des scellés sur les effets, papiers et autres biens mobiliers du défunt et assister à l'accomplissement de cette formalité. Ils veilleront à ce que l'autorité compétente recherche s'il y a un testament, et recevront communication de tous renseignements et documents qui leur permettront de retrouver les ayants droit. Ils pourront, en outre, s'ils le jugent utile, provoquer la nomination par l'autorité locale compétente d'un administrateur ou curateur de la succession qui sera choisi sur leur présentation parmi les personnes désignées par la loi ou l'usage pour remplir cette fonction.

L'administrateur ou curateur, toutes les fois qu'il en sera requis, devra communiquer au consul général, consul, vice-consul ou agent consulaire tous renseignements concernant la liquidation de la succession.

L'intervention consulaire ne sera plus admise dès qu'il aura été constaté qu'il n'y a pas d'ayants droit de la nationalité de l'Etat qui a nommé l'agent ou que tous les héritiers sont présents ou représentés.

Article 12

Lorsque la succession sera liquidée, l'administrateur ou curateur en informera aussitôt le consul général, consul, vice-consul ou agent consulaire et les ayants droit dont les noms et adresses sont connus, ces derniers par lettre recommandée.

Si, dans un délai de six mois courant du jour de la notification au consul général, consul, vice-consul ou agent consulaire, les ayants droit ou certains d'entre eux n'ont pas fait valoir leurs droits les agents précités pourront, comme représentants de droit des absents, se faire remettre par l'administrateur, curateur ou toute autorité les détenant, les parts non réclamées de l'actif de la succession.

Ils devront à cet effet produire tous les documents et justifications comme les héritiers eux-mêmes.

Article 13

Les dispositions des articles 11 et 12 seront applicables lorsque des ressortissants de l'un des Etats contractants, absents ou incapables, et non représentés, seront intéressés dans une succession ouverte sur le territoire

de l'autre Etat, quelle que soit la nationalité du *de cuius*. Mais l'intervention consulaire ne sera plus admise dès que les ayants droit de la nationalité de l'Etat qui a nommé l'agent seront présents ou représentés.

Article 14

Si un Français laisse des biens en Pologne ou si un Polonais laisse des biens en France et que l'autorité territoriale estime la valeur de ces biens inférieure:

En France, à 500 francs;

En Pologne, à 500 zloty,

le consul général, consul, vice-consul ou agent consulaire pourra se faire remettre ces biens. Il sera seul chargé de la liquidation de la succession mais ne pourra en transmettre le produit hors du territoire de l'Etat de résidence qu'après le règlement du passif et le paiement de toutes taxes qui pourraient être dues.

Les sommes indiquées dans le présent article sont calculées à parité avec l'or.

Article 15

Lorsque les ressortissants de l'une ou de l'autre des Hautes Parties contractantes seront intéressés dans la succession d'un national d'une tierce Puissance, les stipulations de la présente convention ne pourront porter atteinte aux droits reconnus par des traités antérieurs aux agents du service consulaire de l'Etat dont le défunt était ressortissant.

Article 16

Les consuls généraux, consuls, vice-consuls et agents consulaires des deux Hautes Parties contractantes auront le droit de recevoir dans leurs chancelleries, au domicile des parties et à bord des navires de commerce et de guerre de l'Etat qui les a nommés les déclarations que pourront avoir à faire les capitaines, les gens de l'équipage, les passagers, les négociants et tous autres ressortissants de ce même Etat.

Ils seront également autorisés à recevoir comme notaires les dispositions testamentaires de leurs nationaux.

Ils auront, en outre, le droit de recevoir dans leur chancellerie tous actes, pourvu que ceux-ci aient rapport à des biens situés, à des affaires à traiter ou à tous droits à faire valoir hors du territoire du pays de leur résidence.

Les copies ou extraits des actes dressés en vertu des paragraphes précédents, dûment légalisés par lesdits agents, et scellés du sceau officiel du poste, feront loi, tant en justice que hors justice, soit en Pologne, soit en France, au même titre que les originaux et auront le même caractère d'authenticité et la même force probante que s'ils avaient été passés devant un notaire ou autre officier public de l'un ou de l'autre pays, pourvu que ces actes aient été rédigés dans les formes requises par les lois de l'Etat qui a nommé ces agents et qu'ils aient été soumis au timbre et à l'enregistrement, ainsi qu'à toutes les autres formalités qui régissent la matière dans le pays où l'acte doit recevoir son exécution.

Dans le cas où un doute s'élèverait sur l'authenticité de copies ou extraits d'actes dressés dans les chancelleries des consuls respectifs on ne pourra en refuser la confrontation avec l'original à l'intéressé qui en fera la demande et qui pourra assister à cette collation, s'il le juge convenable.

Article 17

Les consuls généraux, consuls, vice-consuls et agents consulaires des deux Hautes Parties contractantes pourront traduire et légaliser toute espèce de documents émanant d'autorités ou de fonctionnaires de leur pays, ainsi que d'autorités ou fonctionnaires de pays tiers, mais, dans ce dernier cas, intéressant leurs nationaux.

Les traductions faites par eux auront dans le pays de leur résidence la même force et la même valeur que si elles eussent été faites par les traducteurs assermentés du pays de résidence.

Lesdits agents pourront également légaliser la signature de leurs nationaux.

Article 18

Les consuls généraux, consuls, vice-consuls et agents consulaires des deux Hautes Parties contractantes pourront signaler à l'autorité compétente de l'Etat de résidence l'utilité d'organiser une tutelle à leurs nationaux mineurs, étant entendu que cette autorité reste juge de la décision à prendre.

Article 19

Les autorités judiciaires et administratives de l'Etat de résidence pourront demander aux consuls généraux, consuls, vice-consuls et agents consulaires des deux Hautes Parties contractantes de servir d'interprète ou de désigner un interprète pour assister leurs ressortissants.

Article 20

Les rentes ou indemnités dues pour les accidents du travail pourront être versées entre les mains des consuls généraux, consuls, vice-consuls et agents consulaires de l'Etat dont le bénéficiaire est ressortissant, si ce dernier se trouve hors de l'Etat de résidence des agents précités.

Les sociétés d'assurances et autres intéressés sont libérés par les quittances délivrées par lesdits agents.

Article 21

Les ressortissants indigents des deux Hautes Parties contractantes, sur la présentation du certificat prévu à l'article 4 de la Convention en date de ce jour relative à la protection et à l'assistance judiciaire pourront réciproquement obtenir gratuitement ou à tarif réduit des expéditions d'actes de l'état civil dans les cas où les lois du pays où ces actes sont réclamés accordent cette faveur aux nationaux. Les pièces nécessaires à leur mariage seront légalisées gratuitement par les agents diplomatiques ou consulaires des deux Hautes Parties contractantes.

Article 22

Les consuls généraux, consuls, vice-consuls et agents consulaires pourront délivrer à leurs ressortissants des passeports et autres documents personnels et viser tous passeports et autres documents.

Il pourra être fait usage de ces passeports et documents devant l'autorité locale, dans la mesure où les usages, ainsi que la loi et les règlements de l'Etat de résidence, le permettent.

Article 23

Les consuls généraux, consuls, vice-consuls ou agents consulaires des deux Etats connaîtront exclusivement des actes d'inventaire et des autres opérations pratiquées pour la conservation des biens ou objets de toute nature laissés par les gens de mer et les passagers de la nationalité de l'Etat qui a nommé ces agents, morts pendant la traversée ou dans le port de leur arrivée, soit à terre, soit à bord d'un navire de ce même Etat.

Les salaires, appointements, valeurs et effets appartenant aux marins ou passagers ressortissants de l'une des Hautes Parties contractantes, morts à bord d'un navire de l'autre Partie, seront remis dans le port d'arrivée à l'autorité compétente du pays du défunt, ou entre les mains du consul général, consul, vice-consul ou agent consulaire de sa nation.

Article 24

Les consuls généraux, consuls, vice-consuls ou agents consulaires pourront aller personnellement ou envoyer des délégués à bord des navires de leur nation, après qu'ils auront été admis en libre pratique, interroger les capitaines et l'équipage, examiner les papiers de bord, recevoir les déclarations sur leur voyage, leur destination et les incidents de la traversée, dresser les manifestes et faciliter l'expédition de ces navires.

Les fonctionnaires de l'ordre judiciaire et administratif et les officiers et agents de la douane du pays ne pourront, dans les ports où réside un consul général, consul, vice-consul ou agent consulaire de l'un des deux Etats respectifs, opérer à bord ni arrestations (sauf le cas de flagrant délit), ni recherches, ni visites, autre que les visites ordinaires de douane et de santé, sans prévenir auparavant, ou, en cas d'urgence, au moment même de la perquisition, l'agent de la nation à laquelle le bâtiment appartiendra, afin qu'il puisse assister à la visite. Ils devront également donner, en temps opportun, au consul ou à l'agent consulaire les avis nécessaires pour qu'il puisse assister aux déclarations que les capitaines et les équipages auraient à faire devant les tribunaux ou l'administration du pays.

L'invitation qui sera adressée dans les cas précités aux consuls généraux, consuls, vice-consuls et agents consulaires, indiquera une heure précise, et si les agents précités négligeaient de s'y rendre en personne, ou de se faire représenter par un délégué, il sera procédé en leur absence.

Article 25

Les consuls généraux, consuls, vice-consuls et agents consulaires seront chargés exclusivement du maintien de l'ordre intérieur à bord des navires de commerce de l'Etat qui les a nommés; ils régleront eux-mêmes les contestations de toute nature qui surviendraient entre les capitaines, les officiers et les matelots de ces navires et spécialement celles relatives à la solde et à l'accomplissement des engagements réciproquement constatés.

Les autorités locales ne pourront intervenir que lorsque des désordres survenus à bord des navires seraient de nature à troubler la tranquillité publique à terre ou dans le port, ou quand une personne du pays ne faisant pas partie de l'équipage s'y trouvera mêlée.

Dans tous les autres cas, les autorités précitées se borneront à prêter leur appui aux consuls généraux, consuls, vice-consuls et agents consulaires, si elles en sont requises par eux, pour leur faciliter l'accomplissement de leurs fonctions et notamment pour faire arrêter et conduire en prison tout

individu inscrit sur le rôle de l'équipage, chaque fois que pour un motif quelconque lesdits agents le jugeront convenable, s'il ne s'agit pas d'un ressortissant du pays, et, en outre, pour la Pologne d'un ressortissant de la Ville libre de Dantzig.

Article 26

Les consuls généraux, consuls, vice-consuls ou agents consulaires pourront faire arrêter et renvoyer à bord, soit dans leur patrie, les marins et toute autre personne faisant partie, à quelque titre que ce soit, des équipages de navires de guerre ou de commerce de l'Etat qui a nommé ces agents, qui auraient déserté sur le territoire de l'une des Hautes Parties contractantes.

A cet effet, ils devront s'adresser par écrit aux autorités locales compétentes et justifier en produisant soit les registres du bâtiment ou le rôle d'équipage, soit un extrait authentique de ces documents, que les personnes réclamées faisaient réellement partie de l'équipage.

Sur cette demande ainsi justifiée, la remise des déserteurs ne pourra être refusée.

On donnera, en outre, auxdits fonctionnaires consulaires tout secours et toute assistance pour la recherche et l'arrestation de ces déserteurs qui seront conduits dans les prisons du pays, et y seront détenus à la demande écrite et aux frais de l'autorité consulaire jusqu'au moment où ils seront réintégrés à bord, ou jusqu'à ce qu'une occasion se présente de les rapatrier. Si toutefois, cette occasion ne se présentait pas dans le délai de deux mois à compter du jour de l'arrestation, ou si les frais de leur détention n'étaient pas régulièrement acquittés, moyennant un avis donné au fonctionnaire consulaire trois jours à l'avance, lesdits déserteurs seront remis en liberté sans qu'ils puissent être arrêtés de nouveau pour la même cause.

Si le déserteur avait commis quelque infraction à terre, l'autorité locale pourrait surseoir à la remise, jusqu'à ce que le tribunal eût rendu sa sentence et que celle-ci eût reçu pleine et entière exécution.

Les Hautes Parties contractantes conviennent que les marins ou autres individus de l'équipage, ressortissants du pays dans lequel ils auraient déserté (en outre, pour la Pologne, les ressortissants de la Ville libre de Dantzig) sont exceptés des stipulations du présent article.

Article 27

Toutes les fois qu'il n'y aura pas de stipulations contraires entre les armateurs, chargeurs et assureurs, les avaries que les navires des deux pays auraient souffertes en mer, soit qu'ils entrent dans les ports respectifs volontairement ou par relâche forcée, seront réglées par les consuls généraux, consuls, vice-consuls ou agents consulaires de la nation, à moins que des ressortissants de l'Etat dans lequel résident lesdits agents ou ceux d'une tierce Puissance ne soient intéressés dans ces avaries: dans ce cas, et à défaut de compromis amiable entre toutes les Parties intéressées, elles devront être réglées par l'autorité locale.

Article 28

Lorsqu'un navire appartenant au gouvernement ou à des ressortissants de l'un des deux Etats fera naufrage ou échouera sur le littoral de l'autre, les autorités locales devront en avertir sans retard le consul général, consul, vice-consul ou agent consulaire le plus proche.

Toutes les opérations relatives au sauvetage des navires de l'un des deux Etats qui naufrageraient ou s'échoueraient dans les eaux territoriales de l'autre Etat, seront dirigées par les consuls généraux, consuls, vice-consuls ou agents consulaires respectifs.

L'intervention des autorités locales n'aura lieu dans les deux Etats que pour assister les agents précités, maintenir l'ordre, garantir les intérêts des sauveteurs étrangers à l'équipage et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises.

En l'absence et jusqu'à l'arrivée des consuls généraux, consuls, vice-consuls ou agents consulaires ou de leurs délégués, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des personnes et la conservation des objets qui auront été sauvés du naufrage.

L'intervention des autorités locales dans ces différents cas ne donnera lieu à la perception de frais d'aucune sorte, sauf toutefois ceux que nécessiteront les opérations de sauvetage, ainsi que la conservation des objets sauvés et ceux auxquels seraient soumis, en pareil cas, les navires nationaux ou ceux de la nation la plus favorisée.

En cas de doute sur la nationalité des navires naufragés, les fonctions mentionnées dans le présent article seront de la compétence exclusive de l'autorité locale.

Les marchandises et effets sauvés ne sont sujets au paiement d'aucun droit de douane, à moins qu'ils n'entrent dans la consommation intérieure.

Article 29

Il est en outre convenu que les chefs de poste et les agents du service consulaire de chacun des deux Etats jouiront dans l'autre, à charge de réciprocité, de tous les privilèges et immunités qui sont ou seront accordés aux agents de la même classe de la nation la plus favorisée.

Article 30

La présente Convention sera ratifiée.

Elle entrera en vigueur un mois après l'échange des ratifications.

Ses effets cesseront à l'expiration d'un délai de six mois à partir de la dénonciation notifiée par l'une ou l'autre Partie contractante.

NOTE. — Des dispositions substantiellement identiques se trouvent dans la Convention consulaire et d'établissement entre la France et la Yougoslavie, 30 janvier 1929, art. 11 à 39 (*British and Foreign State Papers*, 1930, part II, vol. CXXXIII, p. 450). Cette Convention ne comporte pas de dispositions qui correspondent aux articles 12, 13, 15, 20, 21 de la Convention entre la France et la Pologne.

10. Consular Convention¹ between the Republic of Cuba and the United States of America, signed at Havana, April 22, 1926²

Article I

The High Contracting Parties agree to receive from each other, consular officers, at the places of their respective territories that they may consider

¹ League of Nations, *Treaty Series*, vol. LX, p. 372.

² Came into force on 1 December 1926.

convenient and which are open to consular representatives of any foreign country.

Article II

Consular officers may not take up the discharge of their duties nor enjoy the corresponding privileges, until after the Government to which they have been appointed shall have granted them their exequatur, except in the case that said Government, at the request of the Embassy of the other, shall have granted them provisional recognition.

The Government of each of the High Contracting Parties shall furnish free of charge the exequatur of such consular officers of the other High Contracting Party as present a regular commission signed by the chief executive of the appointing state and under its Great Seal, and shall issue to a subordinate or substitute consular officer appointed by a superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function.

Article III

Consular officers to whom the exequatur or other documents referred to in the foregoing Article have been issued shall enjoy all the rights, immunities privileges and exemptions granted by this Convention and those enjoyed by officers of the same grade of the most favored nation.

Article IV

As official agents of the State which appoints them, such consular officers shall be entitled to the High consideration of the officials of the Government and of the local authorities of the State which receives them, they being subject, in so far as regards ceremonial, to the provisions or practices in force in said country.

The consular officers shall exercise their functions obeying the laws and respecting the authorities of the nation which receives them, and they shall be subject to said authorities in all matters which do not come under the exercise of their functions and within the limits of their jurisdiction, except as otherwise provided in this Convention.

Article V

Consular officers, nationals of the State by which they are appointed, shall be exempt from arrest except when charged with the commission of offences locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office, and there shall be compliance on the part of the consular officer.

In civil cases consular officers shall be subject to the jurisdiction of the courts, provided, however, that when the officer is a national of the State which appoints him and is engaged in no private occupation for gain his testimony shall be taken orally or in writing at this residence or office and with the consideration due him. The officer must, however, voluntarily

give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

Article VI

Consular officers, including employees in a consulate, nationals of the State by which they are appointed, other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, national, state, provincial and municipal levied upon their persons or upon their property except taxes levied on account of the possession or ownership of immovable property situated in or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. Consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services, as well as from every class of requisitions, billeting or services of a military, naval, administrative or police character.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, State, provincial and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

Article VII

Consular officers may place over the outer part of their respective offices the arms of their State with an appropriate inscription designating the consular office. Such officers may also hoist the flag of their country on their offices, including those situated in the capital of the country which receives them and over any boat employed in the exercise of the consular function.

The consular offices and archives are inviolable at all times and in no event may the local authorities enter them without the permission of the consular officers, nor examine or seize, under any pretext, any of the documents or objects found within a consular office. Neither shall any consular office be required to produce official archives in court or testify as to their contents.

When a consular officer is engaged in business of any kind within the country which receives him, the archives of the consulate and the documents relative to the same shall be kept in a place entirely apart from his private or business papers.

Article VIII

Consular offices shall not be used as places of asylum. Consular officers are under the obligation of surrendering to the proper local authorities, which may claim them, persons prosecuted for crime in accordance with the domestic laws of the country which receives them, who have taken refuge in the building occupied by the consular offices.

Article IX

Upon the death, incapacity or absence of all the consular officers, any of the chancellors or auxiliary employees, whose official character may have

previously been made known to the Secretary of State, may temporarily exercise the consular functions, and while so acting shall enjoy all the rights prerogatives immunities and exemptions belonging to the incumbent.

Article X

Consular officers, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities, national, State, provincial or municipal, for purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the appropriate authorities to grant redress or to accord protection may justify recourse to the diplomatic channel.

Article XI

Consular officers may, in pursuance of the laws of their own country, take at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the state by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions, and contracts relating to property situated, or business to be transacted, within the territories of the state by which they are appointed embracing unilateral acts, deeds, testamentary dispositions or contracts executed solely by nationals of the state within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof when duly authenticated and bearing the official seal of the consular office, shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized therefor in the country by which the consular officer was appointed, provided always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

Article XII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, including controversies which may arise at sea or in port, between the captain, the officers and the crew concerning the enforcement of discipline, provided the vessels and the persons charged with wrongdoing shall have entered a port within his consular district. Such officer shall also have jurisdiction in controversies involving the settlement of wages and the performance of the stipulations reciprocally agreed upon provided the local laws so permit.

When an act committed on board of a merchant vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes

a crime according to the laws of the last named State, the consular officer shall not exercise jurisdiction.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed for the purposes of observing the proceedings and rendering assistance.

Article XIII

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of his death, may take charge of the protection or conservation of the property left by the decedent, pending the appointment of an administrator who may be the consular officer himself, in the discretion of the court competent to take cognizance of the case, provided the laws of the place where the estate is administered permit such action by the consular officer and appointment by the court.

Whenever a consular officer accepts the office of administrator of the estate of a national of the country he represents, he subjects himself as such to the jurisdiction of the tribunal making the appointment for all pertinent purposes to the same extent as a national of the State where he is appointed.

Article XIV

A consular officer of either High Contracting Party may in behalf of the non-resident nationals of the country he represents, receipt for the shares coming to them in estates or in indemnities accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

Article XV

A consular officer of either High Contracting Party shall have the right to inspect, within the ports of the other High Contracting Party within his consular district, the merchant vessels of any flag destined or about to clear for ports of the country which he represents in order to observe the sanitary conditions and measures taken on board such vessels, and to be

enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the manner in which its sanitary regulations have been observed at ports or departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

Article XVI

The High Contracting Parties agree to permit the entry free of all Customs duty and without examination of any kind of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post, or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

The above mentioned privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to supplies.

Article XVII

All operations relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred.

The local authorities will apprise the consular officers of the occurrence and pending the arrival of the said officers will take the measures that may be necessary for the protection of the persons and the preservation of the effects that were wrecked. The local authorities shall not interfere otherwise than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved which shall not be subjected to the payment of any Custom house duties, unless it be intended for consumption in the country where the wreck took place.

The intervention of the local authorities in these cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

Article XVIII

Consular officers shall cease in the discharge of their functions:

- (1) By virtue of an official communication from the Government which appointed him addressed to the Government which received him, advising that his functions have ceased, or
- (2) By virtue of a request of the Government which appointed him that an exequatur be issued to a successor, or
- (3) By withdrawal of the exequatur granted him by the Government of the Nation in which he discharges his duties.

Article XIX

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective laws, and the ratifications thereof shall be exchanged in the City of Havana as soon as possible. It shall take effect from the day of the exchange of ratifications and shall thereafter remain in force until one year after either of the High Contracting Parties has given notice to the other of its desire to terminate it.

NOTE: Similar provisions may be found in the treaties concluded by the United States of America with Honduras, 7 December 1927, articles XVI-XXVII (League of Nations, *Treaty Series*, vol. LXXXVII, p. 422); Norway, 5 June 1928 (*ibid.*, vol. CXXXIV, p. 82); Austria, 19 June 1928, articles XIII-XXI (*ibid.*, vol. CXVIII, p. 242); and Finland, 13 February 1934, articles XIX-XXX (*ibid.*, vol. CLII, p. 46). All these treaties have been ratified.

11. Traité¹ consulaire, de navigation, de droits civils et commerciaux et d'établissement, entre l'Espagne et la Grèce, signé à Athènes, le 23 septembre 1926²

Article 8

Chacune des Hautes Parties contractantes consent à admettre des consuls généraux, consuls, vice-consuls et agents consulaires, dans tous ses ports villes et possessions, sauf dans les localités qu'elle jugerait convenable d'excepter pourvu que cette réserve soit également appliquée à tous les autres Etats. Lesdits fonctionnaires jouiront réciproquement, dans le territoire de l'autre Partie, de tous les privilèges, exemptions et immunités dont jouissent les agents du même rang et de la même qualité de la nation la plus favorisée.

Les consuls généraux, consuls, vice-consuls et agents consulaires, jouiront réciproquement, sur le territoire de l'autre partie, quand ils n'appartiendront pas à la nationalité du pays où ils exercent leurs fonctions, de l'exemption de tout impôt ou taxe de luxe et autres impôts directs ou indirects existant actuellement ou qui pourraient être établis à l'avenir. Il est, toutefois, bien entendu que les deux gouvernements se réservent la faculté de refuser leur exequatur en cas d'objection contre la personne nommée à ces fonctions.

Les consuls généraux, consuls, vice-consuls, et agents consulaires, sujets de l'Etat qui les a nommés, ne pourront être ni arrêtés, ni conduits en prison, excepté pour les faits et actes que la législation pénale du pays de leur résidence qualifie de délits et punit comme tels.

Si lesdits fonctionnaires voulaient exercer le commerce, ils seront tenus de se conformer pour tout ce qui se réfère à leur négoce et transactions commerciales, aux mêmes lois et usages auxquels seront soumis, dans le lieu de leur résidence, les particuliers de leur nation et les sujets des Etats les plus favorisés.

¹ Société des Nations, *Recueil des Traités*, vol. XCI, p. 122.

² L'échange des ratifications a eu lieu à Athènes, le 11 août 1928.

Article 10

Les consuls généraux, consuls, vice-consuls et agents consulaires respectifs, seront exclusivement chargés de l'ordre intérieur à bord des navires de commerce de leur nation et connaîtront seuls de tous les différends qui se seraient élevés en mer ou dans le port, entre le capitaine, les officiers et les hommes de l'équipage. Les autorités locales ne pourront intervenir que lorsque les désordres survenus à bord seraient de nature à troubler l'ordre public dans le port ou à terre, ou lorsqu'une personne du pays ou ne faisant pas partie de l'équipage s'y trouverait mêlée.

Lesdits agents du service consulaire pourront faciliter au capitaine l'expédition de toutes les formalités concernant les navires de leur nation et les accompagner devant les tribunaux et devant les bureaux de l'administration pour leur servir d'interprètes et d'agents dans les affaires qu'ils auraient à traiter ou dans les demandes qu'ils auraient à formuler.

Les fonctionnaires du pays ne pourront, dans les ports où réside un consul ou agent consulaire de l'un des deux Etats respectifs, opérer ni recherches, ni visites autres que les visites ordinaires de la douane ou de la santé à bord des navires de commerce, sans en avoir préalablement donné avis au consul afin qu'il puisse assister à la visite. L'invitation qui sera adressée à cet effet aux consuls généraux, consuls, vice-consuls, agents consulaires, indiquera une heure précise et s'il négligeait de s'y rendre en personne ou de s'y faire représenter par un délégué, il sera procédé en son absence.

Avis sera également donné aux agents consulaires pour qu'ils puissent assister aux déclarations que les capitaines ou les équipages des navires de leur nation auraient à faire devant les tribunaux ou les administrations locales. S'ils négligeaient de s'y rendre ou de se faire représenter à l'heure indiquée dans la citation, il sera procédé sans eux.

NOTE. — Les autres dispositions de ce Traité concernant le statut des consuls sont identiques en substance aux dispositions correspondantes de la Convention entre les Pays-Bas et l'Italie (Convention N^o 1, reproduite plus haut).

12. Convention consulaire¹ entre la France et la Tchécoslovaquie, signée à Paris, le 3 juin 1927²

Article 1

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.

Article 2

1. Les chefs des consulats généraux, consulats, vice-consulats et agences consulaires seront admis et reconnus par le gouvernement de l'Etat de

¹ Société des Nations, *Recueil des Traités*, vol. CXXXI, p. 178.

² L'échange de ratifications a eu lieu le 2 juin 1952.

résidence selon les règles et formalités établies dans cet Etat sur la présentation de leurs provisions et pour la circonscription indiquée dans ces provisions. L'exequatur nécessaire pour le libre exercice des fonctions desdits agents leur sera délivré sans retard et sans frais.

2. Le gouvernement de l'Etat de résidence informera immédiatement de la nomination des agents les autorités compétentes de la circonscription consulaire et ces dernières, sur cet avis ou sur la présentation de l'exequatur, devront prendre sans délai toutes mesures utiles pour que les agents puissent s'acquitter des devoirs de leur charge et jouir des privilèges et immunités reconnus par la présente convention.

3. Il est entendu que les chefs d'agences consulaires peuvent être nommés par les chefs des consulats généraux, consulats et vice-consulats, si la législation de l'Etat dont relèvent ces agents le permet. Les chefs d'agences consulaires seront munis d'un brevet délivré par le consul dans la circonscription duquel se trouve la localité, port ou ville, siège de l'agence et sous les ordres duquel ils sont placés. L'exequatur leur sera délivré sur la présentation dudit brevet.

Article 3

1. En cas d'empêchement, d'absence ou de décès des chefs des consulats généraux, consulats, vice-consulats et agences consulaires, les agents désignés, soit par les règlements de l'Etat qui a établi le poste, soit par l'autorité compétente de cet Etat, seront admis de plein droit à exercer par intérim les fonctions de chef de poste.

2. Les autorités locales, dûment prévenues, devront leur prêter assistance et protection et leur assurer, pendant leur gestion intérimaire, la jouissance des privilèges et immunités, réciproquement reconnus par la présente convention aux titulaires.

3. Le terme chef de poste, employé dans la présente convention, désigne les chefs de poste titulaires ou intérimaires.

Article 4

1. Les chefs de poste (consulats généraux, consulats, vice-consulats et agences consulaires) et les agents du service consulaire (consuls suppléants et adjoints, vice-consuls, attachés et secrétaires de chancelleries, chanceliers, élèves-chanceliers, attachés et secrétaires consulaires, interprètes, commis de chancellerie) quelle que soit leur nationalité, ne seront pas justiciables des autorités, judiciaires et administratives de l'Etat de résidence à raison des actes de leurs fonctions accomplis par eux dans les limites des attributions qui leur sont reconnues par la présente convention. Au cas où un agent invoquerait cette exception devant une autorité de l'Etat de sa résidence, celle-ci devra s'abstenir de statuer, toutes les difficultés de cette nature devant être toujours réglées par la voie diplomatique.

2. Ces mêmes agents devront déférer aux invitations qui leur seront adressées, sans menace de sanctions pénales en cas de non-comparution, par les autorités de l'Etat de résidence, à l'effet de comparaître comme témoins. Mais le chef de poste pourra, s'il échet, faire valoir comme motifs légitimes, pour remise de son audition à une date ultérieure, mais peu éloignée, des empêchements résultant des nécessités de service. Il en sera de même pour les agents du service consulaire, si la remise de leur audition, dans les mêmes conditions, est demandée par le chef de poste pour les mêmes motifs.

3. Ces mêmes agents pourront se refuser à déposer ou à produire des pièces dont ils seraient détenteurs: *a)* dans les cas prévus par la loi locale, ou, *b)* en opposant le secret professionnel ou d'Etat. Si elle n'admettait pas cette dernière excuse ou exception *b* comme fondée, l'autorité judiciaire ou administrative devra s'abstenir de toute mesure coercitive à l'égard de l'agent, les difficultés de cette nature devant toujours être réglées par la voie diplomatique.

4. Ces mêmes agents seront exemptés de toute réquisition militaire pour les locaux affectés aux bureaux de leur chancellerie et de leurs archives.

Article 5

1. En plus des privilèges et immunités mentionnés à l'article 4, les chefs des postes consulaires et les agents du service consulaire, citoyens de l'Etat qui les a nommés, jouiront de l'exemption: *a)* de toute réquisition militaire personnelle et sur les biens meubles et immeubles à leur usage personnel; *b)* des contributions directes mobilières ayant le caractère d'impôt personnel imposées par une autorité quelconque des Etats respectifs; mais ils devront acquitter les taxes ayant le caractère de rémunération d'un service spécial rendu; les Gouvernements des deux Hautes Parties contractantes, d'un commun accord, détermineront les contributions indiquées à *b)* dont l'exemption dans chacun des deux Etats est accordée par application du présent paragraphe.

2. Si, toutefois, ces mêmes agents possèdent des biens immeubles ou des valeurs mobilières, font le commerce, exercent quelque industrie ou profession, ont des capitaux engagés dans des entreprises industrielles ou commerciales, ils ne pourront prétendre, sous ces divers rapports, à aucun privilège et resteront soumis aux mêmes taxes, charges, et impositions que les autres particuliers, dans les mêmes conditions, sous réserve des dispositions du paragraphe précédent.

3. Ces mêmes agents ne pourront être mis en état d'arrestation préventive, sauf pour les infractions punissables d'après la législation locale d'un emprisonnement d'un an au moins. En cas d'arrestation ou de poursuites, le gouvernement de l'Etat de résidence en informera aussitôt que possible l'agent diplomatique dont relèvent les fonctionnaires précités.

4. Ils seront exemptés de la contrainte par corps, tant en matière civile, qu'à l'occasion d'actes de commerce isolés (tels que la signature ou l'endossement d'une lettre de change) et, s'ils sont négociants, la contrainte par corps ne pourra leur être appliquée que pour les seuls faits de leur commerce, et non pour causes civiles.

Article 6

1. Les chefs de poste et les agents du service consulaire des deux Hautes Parties contractantes pourront placer au-dessus de la porte extérieure de la maison consulaire l'écusson des armes de l'Etat qui les a nommés avec cette inscription: « Consulat général, consulat, vice-consulat, ou agence consulaire . . . »

2. Ils pourront également arborer le pavillon de l'Etat qui les a nommés sur la maison consulaire et sur le bateau qu'ils monteraient, aux jours de solennités publiques, ainsi que dans d'autres circonstances d'usage, étant

bien entendu que ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile.

Article 7

1. Seront admis en franchise de tout droit de douane ou autre taxe les sceaux, écussons, pavillons, emblèmes de l'Etat, livres, archives, documents officiels, imprimés de service (à l'exclusion des articles de papeterie) envoyés par les Gouvernements des Hautes Parties contractantes aux chefs de poste.

2. Les chefs de poste et les agents du service consulaire, citoyens de l'Etat qui les a nommés, et fonctionnaires de carrière, seront exemptés de droits de douane et de tout autre taxe sur le mobilier à leur usage personnel qu'ils importeront pour s'installer dans l'Etat de résidence.

Article 8

1. Les archives consulaires seront inviolables en tout temps, et les autorités locales ne pourront, sous aucun prétexte, visiter ou saisir les papiers, documents et registres qui en font partie. Ces papiers, documents et registres devront toujours être complètement séparés des livres, papiers et documents personnels ou relatifs au commerce ou à l'industrie que pourraient exercer les fonctionnaires consulaires respectifs.

2. Si un chef de poste ou un agent du service consulaire de l'une des deux Hautes Parties contractantes, requis par l'autorité judiciaire ou administrative locale de se dessaisir de papiers, documents ou registres classés dans ses archives, ou de les produire, se refuse à le faire, l'autorité judiciaire ou administrative ne pourra user d'aucune mesure coercitive, toutes les difficultés de cette nature devant être réglées par la voie diplomatique.

Article 9

Sous réserve des privilèges et immunités mentionnés aux articles précédents, les chefs de poste et agents du service consulaire seront soumis au même traitement que les nationaux de l'Etat dont ces chefs et agents sont ressortissants.

Article 10

1. Les consuls généraux, consuls, vice-consuls et agents consulaires sont admis à protéger les ressortissants de l'Etat qui les a nommés et à défendre, en vertu du droit et des usages internationaux, tous droits et intérêts de ces ressortissants.

2. A cet effet, ils pourront s'adresser à toutes les autorités de leur circonscription pour réclamer contre toute infraction aux traités ou conventions existant entre les deux Etats et contre tout abus dont leurs ressortissants pourraient avoir à se plaindre. Si leurs réclamations n'étaient pas accueillies par ces autorités, ils ne pourront avoir recours directement au gouvernement de l'Etat dans lequel ils résident qu'en l'absence de tout agent diplomatique de l'Etat qui les a nommés.

3. Les communications avec les autorités locales auront lieu dans la langue officielle de l'Etat de résidence.

Article 11

Les consuls généraux, consuls, vice-consuls et agents consulaires, si la législation de l'Etat qui les a nommés le permet, pourront recevoir en chancellerie les déclarations des naissances et décès des ressortissants de cet Etat, mais les intéressés seront tenus d'effectuer les déclarations imposées par les lois territoriales.

Article 12

En cas de décès d'un ressortissant de l'un des Etats contractants sur le territoire de l'autre, l'autorité locale devra en donner avis immédiatement au consul général, consul, vice-consul ou agent consulaire dans la circonscription duquel le décès a eu lieu et lui transmettra, dans le plus bref délai, une expédition sans frais de l'acte de décès du défunt.

La présente stipulation ne porte pas atteinte aux accords spéciaux relatifs à l'échange des actes de l'état civil des ressortissants respectifs.

Article 13

1. Si un ressortissant français laisse des biens en Tchécoslovaquie ou si un ressortissant tchécoslovaque laisse des biens en France, et que les ayants droits à sa succession ou certains d'entre eux soient inconnus ou absents, les consuls généraux, consuls, vice-consuls et agents consulaires auront qualité pour requérir l'apposition des scellés sur les effets, papiers et autres biens mobiliers du défunt et assister à l'accomplissement de cette formalité. Ils veilleront à ce que l'autorité compétente recherche s'il y a un testament, et recevront communication de tous renseignements et documents qui leur permettront de retrouver les ayants droits. Ils pourront requérir la confection d'un inventaire et auront le droit d'assister à sa confection. Ils pourront, en outre, s'ils le jugent utile, provoquer la nomination par l'autorité locale compétente d'un administrateur ou curateur de la succession qui sera choisi sur leur présentation parmi les personnes désignées par la loi ou l'usage pour remplir cette fonction.

2. L'administrateur ou curateur, toutes les fois qu'il en sera requis, devra communiquer au consul général, consul, vice-consul ou agent consulaire tous renseignements concernant la liquidation de la succession.

3. L'intervention consulaire ne sera plus admise dès qu'il aura été constaté qu'il n'y a pas d'ayants droits ressortissants de l'Etat qui a nommé l'agent ou que tous les héritiers sont présents ou représentés.

Article 14

1. Les dispositions de l'article 13 seront applicables lorsque des ressortissants de l'un des Etats contractants absents ou incapables, et non représentés, seront intéressés dans une succession ouverte sur le territoire de l'autre Etat quelle que soit la nationalité du *de cuius*. Mais l'intervention consulaire ne sera plus admise dès que tous les ayants droit ressortissants de l'Etat qui a nommé l'agent seront présents ou représentés.

2. Les stipulations du présent article ne peuvent, toutefois, porter atteinte aux droits reconnus par des traités antérieurs, aux agents du service consulaire de l'Etat dont le défunt était ressortissant.

Article 15

1. Les chefs de poste et agents du service consulaire, si la législation de l'Etat qui les a nommés le permet, pourront conformément aux attributions qui leur sont conférées par cette législation, recevoir:

a) Les dispositions testamentaires et les contrats de mariage des ressortissants de cet Etat;

b) Tous actes pourvu que ceux-ci n'aient pas rapport à des biens situés, à des affaires à traiter ou à tout droit à faire valoir, sur le territoire de l'Etat de résidence.

2. Les copies ou extraits des actes reçus en vertu du paragraphe précédent, dûment légalisés par lesdits agents, et scellés du sceau officiel du poste, feront foi tant en justice que hors justice, soit en Tchécoslovaquie soit en France, au même titre que les originaux et auront le même caractère d'authenticité et la même force probante que s'ils avaient été passés devant un notaire ou autre officier public de l'un ou de l'autre Etat, pourvu que ces actes aient été rédigés dans les formes requises par les lois de l'Etat qui a nommé ces agents et qu'ils aient été soumis au timbre et à l'enregistrement, ainsi qu'à toutes les autres formalités qui régissent la matière dans l'Etat où l'acte doit recevoir son exécution. Dans le cas où un doute s'élèverait sur l'authenticité de copies ou extraits d'actes dressés dans les chancelleries des consulats respectifs, on ne pourra en refuser la confrontation avec l'original à l'intéressé qui en fera la demande et qui pourra assister à cette collation, s'il le juge convenable.

Article 16

1. Les consuls généraux, consuls, vice-consuls et agents consulaires des deux Hautes Parties contractantes pourront traduire et légaliser toute espèce de documents émanant d'autorités ou de fonctionnaires de l'Etat qui les a nommés, ainsi que d'autorités ou fonctionnaires d'Etat tiers, mais, dans ce dernier cas, intéressant leurs ressortissants.

2. Les traductions faites par eux auront dans l'Etat de résidence la même force et la même valeur que si elles eussent été faites par les traducteurs assermentés de cet Etat.

3. Lesdits agents pourront également légaliser la signature de leurs ressortissants.

Article 17

Les autorités judiciaires et administratives de l'Etat de résidence, pourront demander aux consuls généraux, consuls, vice-consuls et agents consulaires des deux Hautes Parties contractantes, s'ils veulent bien servir d'interprète ou désigner un interprète pour assister leurs ressortissants.

Article 18

Les consuls généraux, consuls, vice-consuls et agents consulaires pourront délivrer à leurs ressortissants des passeports et autres documents personnels et viser tous passeports et autres documents. Il pourra être fait usage de ces passeports et documents devant l'autorité locale, dans la mesure où les usages ainsi que la loi et les règlements de l'Etat de résidence le permettront.

Article 19

Les consuls généraux, consuls, vice-consuls et agents consulaires pourront, sans exercer de contrainte, procéder aux opérations de recrutement de leurs ressortissants qui se soumettront volontairement à l'accomplissement de ces formalités.

Article 20

Les rentes ou indemnités dues pour accidents du travail pourront être versées entre les mains des consuls généraux, consuls, vice-consuls et agents consulaires de l'Etat dont le bénéficiaire est ressortissant, si l'intéressé se trouve hors de l'Etat de résidence des agents précités. Les sociétés d'assurances et autres intéressés sont libérés par les quittances délivrées par lesdits agents.

Article 21

1. Les consuls généraux, consuls, vice-consuls et agents consulaires pourront recevoir en dépôt les sommes d'argent, documents et objets de toute nature qui leur seront remis par leurs ressortissants. Ces dépôts ne jouiront pas des privilèges prévus à l'article 8 pour les archives consulaires.

2. Ces mêmes agents peuvent, à l'occasion des actes accomplis par eux dans l'exercice de leurs fonctions, percevoir les taxes ou droits consulaires prévus par la législation de l'Etat qui les a nommés.

Article 22

Il est en outre convenu que les chefs de poste et les agents du service consulaire de chacun des deux Etats jouiront dans l'autre, à charge de réciprocité, de tous les privilèges et immunités qui sont ou seront reconnus aux agents de la même classe de la nation la plus favorisée.

Article 23

La présente convention sera ratifiée.

Elle entrera en vigueur un mois après l'échange des ratifications.

Ses effets cesseront à l'expiration d'un délai de six mois à partir de la dénonciation notifiée par l'une ou l'autre des Hautes Parties contractantes.

13. Convention¹ consulaire entre la France et l'Albanie, signée à Tirana, le 5 février 1928²

Article 19

Les consuls généraux, consuls, vice-consuls et agents consulaires pourront recevoir en dépôt les sommes d'argent, objets de toute nature et documents qui leur seront remis par leurs ressortissants.

Ces dépôts ne jouiront pas du privilège prévu à l'article 6 pour les archives consulaires.³

¹ Société des Nations, *Recueil des Traités*, vol. CVII, p. 308.

² Entrée en vigueur le 1^{er} décembre 1928

³ L'article 6 est ainsi conçu :

« Les archives consulaires seront inviolables en tout temps, et les autorités locales ne pourront, sous aucun prétexte, visiter ou saisir les papiers, documents et registres qui en font partie.

Ils peuvent à l'occasion des actes accomplis par eux dans l'exercice de leurs fonctions percevoir les taxes ou droits prévus par la législation du pays qui les a nommés.

NOTE. — Les autres dispositions de cette Convention sont identiques aux dispositions correspondantes de la Convention entre la France et la Pologne (Convention no. 9, reproduite plus haut).

14. **Traité¹ d'amitié entre la Perse et la Belgique, signé à Téhéran, le 23 mai 1929²**

...

Article II

Les Hautes Parties contractantes sont d'accord pour établir des relations diplomatiques et consulaires entre les deux Etats conformément aux principes généraux et à la pratique du droit international.

Elles conviennent que les représentants diplomatiques et consulaires de chacune d'elles recevront sur le territoire de l'autre, à charge de réciprocité, le traitement consacré par le droit commun international, traitement qui ne pourra être moins favorable que celui accordé aux représentants diplomatiques et consulaires de la nation la plus favorisée.

Article III

Chacune des Hautes Parties contractantes aura la faculté de nommer ses représentants consulaires sur le territoire de l'autre, qui résideront soit dans la capitale, soit dans les principales villes où de pareils agents étrangers sont généralement admis à résider. Ils ne pourront pas exercer leurs fonctions avant d'avoir régulièrement reçu l'exequatur, conformément aux règles admises par le droit commun international.

Article IV

Les Hautes Parties contractantes sont d'accord pour régler leurs relations commerciales, douanières et de navigation, l'admission de consuls sur leurs territoires respectifs, ainsi que les conditions d'admission et de séjour dans le territoire de chacune d'elles, des ressortissants de l'autre Partie, par des conventions qu'elles se réservent de conclure en conformité avec les principes et la pratique du droit commun international et sur les bases d'une parfaite réciprocité et égalité.

« Ces papiers, documents et registres devront toujours être complètement séparés des livres, papiers et documents personnels ou relatifs au commerce ou à l'industrie que pourraient exercer les fonctionnaires consulaires respectifs.

« Si un chef de poste ou un agent du service consulaire de l'une des deux Hautes Parties contractantes requis par l'autorité judiciaire ou administrative locale de se dessaisir de papiers, documents ou registres classés dans ces archives ou de les produire, se refuse à le faire, l'autorité judiciaire ou administrative ne pourra user d'aucune mesure coercitive, toutes les difficultés de cette nature devant être réglées par la voie diplomatique. »

¹ Société des Nations, *Recueil des Traités*, vol. CX, p. 370.

² L'échange des ratifications a eu lieu le 24 novembre 1930.

**15. Consular Treaty¹ between Germany and Turkey,
signed at Ankara, 28 May 1929²**

PART I

ADMISSION OF CONSULS

Article 1

Save where otherwise provided in the present Treaty, the term "consuls" shall be taken to mean all consuls-general, consuls, and vice-consuls in charge of a consulate.

The terms "consuls and consular officers" shall be taken to mean, in addition to the heads of consulates, all officers *de carrière* at a consulate.

Article 2

Each of the two Contracting States agrees to admit to ports, towns and places in its territory the consuls of the other State appointed by the latter in accordance with its own regulations. Each State, however, reserves the right to except certain localities or parts of its territory, provided that such exceptions are equally applicable to all third States.

Consuls and consular officers who are officials *de carrière* shall be nationals of the State appointing them.

Honorary consuls must be chosen from nationals of one of the contracting States. Before their appointment the approval of the Government of the State to which they are accredited shall be obtained through diplomatic channels.

Article 3

Consuls may perform their official duties in the country in which their consulate is situated as soon as they have been admitted in accordance with the formalities customary therein.

On presentation of their credentials they shall receive their exequatur or special admission as soon as possible and free of charge.

On presentation of the exequatur, the competent authorities of the place of their official residence shall immediately take the necessary steps to enable them to carry out their official duties.

The extent of each consular area shall be fixed by the appointing State and notified to the other State. The same provision shall apply in the case of any subsequent change in the limits of consular areas previously determined.

A consular area may in no case include localities or parts of the territory in which the establishment of consulates is not permitted.

If, in a particular case, the State to which a consular officer is accredited deems the exequatur or admission to be unacceptable or its withdrawal to be necessary, it shall inform the appointing State of its reasons, whereof it alone shall be judge. This communication shall be made before the withdrawal of the exequatur or admission.

¹ League of Nations, *Treaty Series*, vol. CXXXIII, p. 285.

² Came into force on 18 September 1931.

Article 4

In the event of the decease, incapacitation or absence of the consul, the consular officers (consul, vice-consuls, chief secretaries and secretaries), in order of rank, shall be authorised to assume temporary charge of the consular affairs, provided that the competent authorities have previously been informed of their official capacity.

In the case of the incapacitation, absence or decease of the head of an honorary consulate, his substitute may be appointed only with the consent of the Government of the State to which he is accredited, unless he be an official *de carrière*.

Substitutes for consuls shall, whilst temporarily performing such duties, enjoy the privileges and immunities granted to consuls.

Substitutes for consuls *de carrière* who are themselves not officials *de carrière* shall, however, during their performance of such duties, enjoy the same marks of honour and respect as consuls *de carrière*, but only the privileges and immunities of honorary consuls.

PART II

CONSULAR PRIVILEGES AND IMMUNITIES

Article 5

Consuls may place upon the building in which their consulate and consular offices are situated the arms of the States appointing them, with an inscription indicating their official position. They may also fly the flag of that State on the building in question on public holidays and other customary occasions; it is clearly understood, however, that such external signs shall in no circumstances be interpreted as constituting a right of asylum.

Consuls shall be entitled to the marks of respect appropriate to their official position in accordance with local usage, in particular on all occasions when they represent their Government.

Article 6

The consular archives shall at all times be inviolable, and the authorities of the country may under no pretext inspect or seize papers belonging to the archives. Official papers must be kept entirely separate from the private papers of consular officers.

The authorities of the country may not enter the archives or consular offices without having first informed the consul or his substitute, except in execution of a sentence of a court of law or in prosecution of an offence punishable with death, penal servitude or imprisonment for at least one year.

The consulate and consular offices may in no circumstances be used as an asylum.

Article 7

Consuls and consular officers *de carrière* (consuls, vice-consuls, chief secretaries and secretaries) shall be exempt from all military obligations, requisitions and billeting and from all liability to personal service.

Such immunity shall not, however, extend to consuls and consular officials who are not nationals of the appointing State, or are engaged in a trade or occupation in the State to which they are accredited; these latter shall be subject to the same military obligations and requisitions as the nationals of the country.

Such immunity shall extend to premises belonging to consuls and consular officers *de carrière* only when used as residences for such persons or for the purposes of the consular service. Immunity shall not extend to premises belonging to honorary consuls.

Consuls, with the exception of honorary consuls, and consular officers *de carrière* shall be exempt from direct personal taxation, if they are nationals of the appointing State and are not engaged in a trade or occupation in the State to which they are accredited.

The exemptions mentioned in the fourth paragraph shall not extend to direct personal taxes payable in respect of particular articles liable to taxation and on the ground of their economic connection with the territory of the State to which the consular officials are accredited, without reference to the nationality, domicile or residence of the party liable to taxation.

Official emoluments received by persons mentioned in the first paragraph or by persons employed at consulates who are nationals of the appointing State, in respect of their duties as consul, consular officer or consular employee, shall in all cases be free from taxation in the State to which the persons in question are accredited.

Article 8

In the event of the rupture of diplomatic relations between the Contracting States, consuls and consular officers, the members of their families belonging to their household and persons in their service, provided they are nationals of the State which appointed the consular officers and entered the country at the instance of such officers, may leave the country unhindered within a reasonable time, which shall not be less than six days.

Article 9

Each of the Contracting States undertakes to permit the entry free of duty of all furniture and articles of first installation, intended for official use in the consular offices, and of all heraldic arms, flags, paper registers with printed heading, inventories, passport forms, stamps, official documents and all other office equipment, sent by the appointing State to consuls for official use.

Consuls and consular officers mentioned in article 7 shall be entitled on first taking up their appointment or within six months thereafter to import free of duty the furniture, clothing, used articles and household articles belonging to them and their families, as well as articles of every kind, even new, which such persons bring with them for their personal use, provided that they submit the same for inspection.

Such exemption shall not apply to foodstuffs.

Article 10

Consuls shall not be amenable to the judicial authorities of the State of their official residence in respect of the performance of their official duties within the scope of their powers.

Article 11

Consuls and consular officers who are nationals of the appointing State may not be placed under arrest either in execution of, or as a measure of security in, civil or commercial processes.

They may also not be arrested or detained for examination except in execution of a sentence of a court of law or in prosecution of an offence punishable under the law of the country with imprisonment for not less than three years.

Should a consul or consular officer be arrested or be the subject of other legal proceedings, the diplomatic representative of the appointing country shall immediately be informed thereof through the Government of the State to which he is accredited.

Article 12

Consuls and consular officers shall be bound to give evidence before the judicial authorities of the State to which they are accredited if officially requested in writing by the latter to do so. They may not, however, be examined in regard to matters relating to their official duties without the consent of the Government which appointed them.

If a consul *de carrière*, having been cited as a witness, be unable on account of illness or of his official duties to give evidence, the judicial authorities shall go to his place of abode to take his deposition verbally, or shall ask to have his evidence in writing in the form prescribed by the law of the country; in this case the official concerned shall accede to the request and shall supply the judicial authorities of the country within the time appointed with his evidence in writing signed and bearing his official seal.

If in any penal proceedings the personal appearance in court of a consul *de carrière* in accordance with the law of the State to which he is accredited is indispensable and the taking of his evidence at his residence is not possible, then if he be prevented by his duties, the court shall appoint with him a day and hour for his hearing and shall take his evidence with all possible despatch at the time appointed, and shall detain him no longer than is necessary.

Article 13

If on the decease of a consul no substitute who is an official *de carrière* is available, the local authority shall apply to the nearest consul or embassy of the appointing State to cause the archives of the consulate to be sealed without delay. If the nearest consul or embassy is prevented from so doing, the local authorities shall proceed to seal the archives in the presence of the consular representative of a friendly Power, if one be available, and of two nationals of the State which appointed the deceased official.

A record of such proceedings shall be taken in duplicate; one copy shall be transmitted to the nearest consul or to the embassy of the State which appointed the deceased official.

On the breaking of the seals for the purpose of handing over the archives to the new consular officer the same procedure shall be observed.

Article 14

Consuls and consular officers of each of the contracting States shall further, subject to reciprocity, enjoy within the territory of the other State all pri-

vileges and immunities granted to consuls and consular officials of the same kind and rank belonging to the most favoured nation.

It is agreed, however, that neither of the Contracting Parties may invoke the provisions of the most-favoured-nation clause to claim on behalf of its consuls or consular officials other or more extensive privileges or immunities than are granted by itself to consuls and consular officials of the other Party.

PART III

CONSULAR FUNCTIONS

Article 15

Consuls shall be empowered to uphold the rights and interests of nationals of their country, and in particular to protect and further their trade and shipping.

They may in the performance of their official functions approach the competent authorities of their consular area and complain to them of any breach of existing treaties or agreements or of any infringement of the rights of their fellow nationals. If their representations are not heeded by the authorities they may, in the absence of a diplomatic representative of their country, themselves have recourse for the same purpose to the Government of the State to which they are accredited.

Article 16

In so far as they are empowered by the law of their country, consuls may:

(1) Receive statements from nationals of the country they represent or from members of the crew or passengers of a ship of that country, either at their offices or places of abode or at the residences of the parties, or on board such ships;

(2) Receive, attest or authenticate testamentary dispositions of nationals of the State they represent;

(3) Receive, attest or authenticate legal acts of nationals of the country which they represent and contracts between such persons, provided that such acts or contracts do not relate to objects in the territory of the State to which they are accredited or to transactions to be concluded or carried out in that State;

(4) Witness signatures of nationals of the State which appointed them;

(5) Receive, attest or authenticate legal acts and contracts of any kind, whatever the nationality of the parties, provided that such acts or contracts relate exclusively to objects in the territory of the State which they represent or to transactions to be concluded or carried out therein;

(6) Translate and authenticate acts and documents of every kind emanating from authorities or officials of the State which they represent.

All such acts and contracts, when accepted, attested or authenticated by the consul and bearing the seal of the consulate, together with copies, or extracts therefrom or translations thereof authenticated and officially sealed by him, shall be regarded as public or publicly authenticated acts in the country of the consul's official residence, and shall have the same value and the same validity as evidence as if they were accepted, attested

or authenticated by a public official of that country. Such value and validity as evidence shall relate solely to the form and not to the contents or the effects of the legal act or contract.

In so far as such transactions or other documents relate to business to be transacted in the country in question they shall be subject to stamp duties and other fees prescribed by law therein, and to all other formalities applicable in such circumstances.

Should any doubt arise as to the authenticity of a legal act accepted or registered at a consulate of either party or as to the authenticity or accuracy of such copies, extracts or translations, request by one of the parties for comparison with the original shall not be refused. Such party may be present at the time of comparison if he so think fit.

Article 17

Consuls shall be authorised to issue passports and grant visas in accordance with the regulations of the State which appointed them.

Article 18

Consuls may perform marriages if authorised by the law of the appointing State and provided that both parties are nationals of that State.

Consuls must immediately notify such marriages to the authorities of the State to which they are accredited.

Article 19

Consuls shall be empowered to register births and deaths of nationals of the country which they represent in the manner prescribed by the law of that country.

The provisions of the present article shall in no way affect the duty of the parties to inform the local authorities of such births and deaths in accordance with the laws of the State of residence.

Article 20

As regards the estate of deceased nationals of the one State situated in the territory of the other State, consuls shall have the powers provided in the annex to the present Treaty.

Article 21

Consuls may expedite the entry and clearance of ships of the country which they represent and render them assistance during their stay in the waters of their official areas. For this purpose, as soon as the ships have been granted pratique, they may go or send their representative on board to question members of the crew, to examine the ship's papers, to receive the lists of cargo (manifests) and in accordance with article 16 (1) to take statements from members of the crew and passengers in regard to the voyage place of destination or incidents during the voyage.

Article 22

Consuls shall be solely responsible for the maintenance of order on board merchant ships of the country which they represent; they shall be empowered, if so authorised by the law of that country, to settle disputes

between members of the crew, in particular those relating to wages or the fulfilment of reciprocal engagements.

In the case of disorders on board a ship, the authorities of the State of residence shall intervene only when such disorders are likely to cause a breach of the peace or of public order in the port or on shore, or when nationals of the State of residence or persons not belonging to the crew are concerned in the disorders.

In all other cases of disorders on board ships the authorities of the country shall confine their action to giving assistance when so requested to the consul or his representative, or, in their absence, to the master of the ship. In particular they shall cause members of the crew, not being nationals of the country, to return to the ship, or to arrest them, in the circumstances set forth in the following article.

Article 23

Consuls may cause members of the crew who have deserted from war ships or other vessels of the country which they represent to be arrested and taken on board or sent to the country whose flag is flown by the ship.

For this purpose they shall apply in writing to the local authorities and submit the necessary official documents, in particular certified extracts from the list of the ship's crew, showing that the persons to be handed over are actually members of the crew. In places where there is no consul, the application may be made under the same conditions by the ship's master. If an application be made on such grounds, the surrender of the deserters cannot be refused.

The local authorities shall detain the arrested persons in the prisons of the receiving State on the application and at the cost of the consul. If within two months of the day of arrest the consul has not caused them to be taken on board or sent back to the country whose flag is flown by the ship, or if the cost of their detention is not regularly paid, the deserters shall be set free after three days' notice has been given to the consul, and they may not be re-arrested on the same charge.

If a deserter has committed in the territory of the State in which he is situated an offence or misdemeanour punishable by the law of that State, his surrender may be postponed until the local court has passed judgment, and until judgment has been fully executed.

The Contracting States agree that members of the crew who are nationals of the country in which they have deserted shall be exempt from the provisions of this article.

Article 24

If a ship flying the flag of one State is wrecked on the coasts of the other, the local authorities shall as quickly as possible inform the nearest consul of the State whose flag the ship flies.

The only charges which may be made by the local authorities for their assistance or for the work of rescue shall be those payable in similar cases by ships of their own country.

Goods and other objects salvaged from the shipwreck shall be exempt from Customs duty unless placed on the free market within the country.

Article 25

In the absence of agreement to the contrary between the parties interested in the ship and cargo, in particular between owners, charterers and

insurers, the average sustained during the voyage by a ship of one of the Contracting States shall be settled by the consul of that State if the vessel puts in at a port within his area. The settlement shall be made by the local authorities, however, if a national of the receiving State or of a third Power is concerned, and if it is not possible to arrive at a friendly final settlement between all the parties.

Article 26

Apart from the above powers, consuls may exercise in regard to shipping only such powers of administration or accountancy, or technical powers, as are given them by the laws of their country.

The term "crew" in the preceding articles shall include the captain, officers, seamen, stokers and all other persons employed on board a ship.

Article 27

Consuls and consular officers of either of the Contracting States may further, subject to reciprocity, exercise in the territory of the other State the same functions as consuls and consular officers of equal rank belonging to the most favoured nation.

It is agreed, however, that neither of the Contracting States may invoke the above-mentioned most-favoured-nation clause for the purpose of claiming for its consuls or consular officers other or wider powers than those which it itself grants to consuls and consular officers of the other State.

PART IV

FINAL PROVISIONS

Article 28

The provisions of Parts II and III of the present Treaty shall also apply to diplomatic representatives charged with consular duties, without prejudice to the privileges and immunities accorded them by the principles of international law.

Article 29

The Contracting States agree that in cases for which no provision is made in the present Treaty they shall not act in a manner contrary to the principles of international law.

Article 30

The present Treaty is done in German and Turkish. It shall come into force one month after the exchange of ratifications, and shall be valid for a period of five years.

The exchange of instruments of ratification shall take place at Berlin.

In the absence of denunciation by either of the Contracting States one year before the expiry of the period of five years, the Treaty shall remain in force until the expiry of a year from the date on which it is denounced by either of the States.

ANNEX TO ARTICLE 20 OF THE CONSULAR CONVENTION
(Agreement concerning estate of deceased persons)

Paragraph 1

1. If a national of one of the Contracting States dies in the territory of the other Contracting State, the competent local authority shall, without delay, notify the death to the competent consul of the State of which the deceased was a national, and shall supply him with any information it may possess as to the heirs, their place of residence, the value and nature of the estate and the existence of testamentary dispositions. If the consul (of the country of which the deceased was a national) is the first to be informed of the death, he for his part shall (similarly) inform the local authority.

2. If the place where death occurred is not within any consular area, the information shall be given to the diplomatic representative of the State of which the deceased was a national.

3. The duties devolving in such cases on the local authority and on the consul are set forth as regards movable estate in paragraphs 2-11, and as regards immovable estate in paragraph 12.

Paragraph 2

1. The competent local authority shall, in the first place, take measures for the safeguarding of the estate. It shall take only such measures as are necessary for preserving the substance of the estate unimpaired, e.g., sealing and the taking of an inventory. It shall in all cases take such safeguarding measures as it may be requested to take by the consul.

2. The consul may, jointly with the local authority, or, alone, if the local authority has not yet taken action in the matter, proceed in accordance with the laws of the country he represents, either personally or through a representative, appointed by him with full power of attorney to place seals on the movable estate and prepare an inventory of the estate: to this end he may claim the assistance of the local authorities.

3. The local authorities and the consul shall, unless prevented by special circumstances, afford each other an opportunity to cooperate in the safeguarding measures. An authority which has been unable to collaborate therein shall be empowered, in the case of sealing, to add its seals to those already affixed. If the other authority has been unable to cooperate, it shall be furnished as soon as possible with a certified copy of the inventory and of the account of the proceedings.

4. The same provisions shall apply as regards the withdrawal of the safeguarding measures and in particular the removal of seals which shall be carried out jointly. Nevertheless, either the local authority or the consul shall be authorised to remove the seals if the other party has given its consent thereto, or has failed to appear duly for the purpose when requested to do so after not less than forty-eight hours' notice has been given.

Paragraph 3

The local authority shall publish such notice as is customary in the country or is prescribed by law, of the opening of the succession and the summoning of heirs or creditors, and shall communicate such notice to the consul. The latter may also give similar notice.

Paragraph 4

The consul may undertake the administration of the estate. In such a case the provisions of paragraphs 5-10 of the present Agreement shall apply.

Paragraph 5

1. The consul shall be authorised to demand all objects relating to the estate, including the papers of the deceased, that are in the custody of private individuals, notaries, banks, insurance, companies, public funds, etc., or of the local authorities, and also to call in all debts due to the estate, in the same way as the deceased himself would have been entitled to do. If the estate is wholly or partly sequestrated or taken in execution, the consul cannot take possession of it until the sequestration or writ of execution is withdrawn.

2. The consul shall be further authorised to demand delivery of the testamentary dispositions of the deceased, even though they may have been taken into official custody by the local authorities who shall be entitled to open them before delivery. The consul shall furnish the local authority with a certified copy of every such disposition that has come into his possession and has been opened.

Paragraph 6

The consul shall be empowered and shall be bound to take any steps he considers necessary for the preservation of the estate in the interests of the heirs, or necessary for fulfilling the obligations at public law of the deceased or of the heirs. In particular he shall be bound to inform the competent authorities of the value of the estate. He may administer the estate either personally or through a representative appointed by him and acting in his name and under his supervision. The consuls shall be entitled to claim the assistance of the local authorities.

Paragraph 7

1. The consul shall retain, within the country of his official residence, the estate of which he has taken possession.

2. The consul shall be empowered, on his own authority, to dispose by auction, in accordance with the laws and customs of the country of his official residence, of such parts of the estate as are perishable or would be difficult and costly to retain.

3. He shall further be empowered to pay immediately from the assets of the estate the expenses of the last illness and of the funeral of the deceased, the wages of servants, employees and labourers rent and other expenses necessitated by the administration of the estate and, where necessary, the sums required for the maintenance of the family of the deceased, and for legal costs, consular fees and taxes leviable by the local authorities.

Paragraph 8

Actions arising out of claims against the estate shall be heard and settled by the competent authorities of the country in which the estate is situated.

Paragraph 9

1. A writ of execution may be enforced against any portion of the estate, even though it be in the custody of the consul, who shall transfer it on demand to the competent authority.

2. If the competent authority institutes bankruptcy proceedings against the part of the estate within the country, the consul shall cede on demand to the local authority or receiver in bankruptcy any property that may form part of the bankrupt estate. The consul shall be empowered to uphold the interests of his nationals in the proceedings.

Paragraph 10

Three months after the last public notice regarding the opening of the succession or, if no such public notice has been issued, four months after the death of the deceased, the consul may deliver the estate to the heirs who have established their claim thereto, or, if their claim is not established, to the competent authorities of his own country. He may not, however, so deliver the estate until all the deceased's debts at public law on all State taxes, together with the costs and accounts of administration, have been paid, or security given for them, and until all claims on the estate notified by nationals or residents of the country in which the estate is situated have been settled, or security duly given for them. The liability of the consul in respect of claims thus notified shall cease if he is not informed within a further six months that the claims have been allowed or that proceedings in respect of such claims have been instituted before the competent court.

Paragraph 11

1. If the consul has not asked for delivery of the estate, the local authority shall deliver to the heirs the assets in its custody under the same conditions as are laid down for the consul in paragraph 10.

2. If the claimants do not prove their rights of inheritance, within six months of the death of the deceased, the local authority shall deliver to the consul the estate, together with the relevant documents, subject to the provisions of paragraph 10. The consul shall then take in respect of the estate the proceedings prescribed in paragraph 10.

Paragraph 12

1. As regards immovable estate, the competent authorities of the territory in which such estate is situated shall alone have the right and duty of taking the measures prescribed by the law of the country, in the same manner as in the case of the estate of nationals of the country. A certified copy of the inventory of the immovable estate shall be forwarded to the competent consul as soon as possible.

2. If the consul has in his possession a testamentary disposition containing provisions as to immovable estate, he shall transmit to the local authority, at its request, the original document containing such disposition.

3. The law of the country in which the estate is situated shall determine what part is movable and what immovable estate.

Paragraph 13

In all matters concerning the opening of succession, administration and disposal of movable and immovable estate of nationals of the one country in the territory of the other country, the consul shall be entitled to represent heirs who are nationals of his State and have appointed no person with power of attorney on their behalf in the other State, and he shall not be bound to give

special evidence of his authority to represent such heirs. The consul's authority as representative shall cease when all the claimants are present or represented.

Paragraph 14

1. Succession to movable property shall be governed by the law of the country of which the deceased was a national at the time of his death.

2. Succession to immovable property shall be governed by the law of the country in which such property is situated, and in such manner as though the deceased had at the time of his death been a national of that country.

Paragraph 15

Actions in respect of the recognition of rights of succession, claims to inheritance of estate or to legacies or the reserved portion of an estate shall, as regards movable estate, be heard by the courts of the State of which the deceased was a national at the time of this death, and, as regards immovable estate, by the courts of the State in whose territory the immovable property is situated. The decisions of such courts shall be upheld by the other State.

Paragraph 16

1. Testamentary dispositions shall, as regards form, be valid if they are in accordance with the law of the country in which they were executed or the law of the State of which the deceased was a national at the time of their execution.

2. The same provision shall apply as regards the revocation of such testamentary dispositions.

Paragraph 17

A certificate regarding a matter of right of inheritance, in particular the right of succession or executorship, issued by the competent authority of the State of which the testator was a national and in accordance with the law of that State, shall, in the case of movable property, be sufficient evidence of the same matter in the territory of the other State. As proof of authenticity, certification by a consul or diplomatic representative of the State of which the testator was a national shall suffice.

Paragraph 18

The provisions of paragraphs 1-17 shall also apply *mutatis mutandis* to movable or immovable property situated in the territory of one of the Parties and forming part of the estate of a national of the other Party dying outside that territory.

Paragraph 19

1. If a member of the crew of a ship of one of the two States dies in the territory of the other State and is not a national of the latter State, his wages and personal effects shall be placed in the custody of the consul of the State concerned.

2. If a national of one of the two States travelling in the territory of the other State dies without being domiciled or ordinarily resident in the latter State, the articles which he has with him shall be placed in the custody of the consul of his country.

3. The consul in whose custody the objects mentioned in paragraphs (1) and (2) have been placed shall deal with them as prescribed by the law of his own country, after paying any debts incurred by the deceased during his stay in the country.

NOTE: Similar provisions may be found in the Convention concluded between Germany and Bulgaria, 4 June 1929 (League of Nations, *Treaty Series*, vol. CVI, p. 68). The annex concerning estate of deceased persons does not exist in this Convention.

16. Consular Convention¹ between Cuba and Panama, signed at La Habana, October 17, 1929

...

Article VI

Consular officials shall not be subject to local jurisdiction in respect of acts of an official character performed by them in the exercise of their functions within the limits of their consular jurisdiction. If a private person considers that he has suffered an injury as a result of the action of such an official, he shall address his complaint to the Government to which the said official is accredited, and that Government, if it considers the claim to be in order shall put it forward through the diplomatic channel.

Article XII

When there is no diplomatic representation of one of the contracting countries in the other country, the senior consular official residing in the capital of the latter may perform certain diplomatic acts such as preparing or requesting reports, acting as a medium of communication between the two Governments and other similar acts intended to facilitate the conduct of everyday affairs and the maintenance of good relations between the said Governments.

NOTE: The provisions of the other articles of this Convention are similar to the corresponding provisions of the Convention between Cuba and the United States of America (Convention N^o 10 above).

17. Treaty² of Friendship, Commerce and Navigation between Denmark and Siam, signed at Copenhagen, November 5, 1937³

...

Article 17

Any ship of war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies and put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses,

¹ Text of Convention furnished by the Permanent Missions of Cuba and Panama to the United Nations.

² League of Nations, *Treaty Series*, vol. CLXXXVIII, p. 188.

³ Came into force on 30 March 1938.

he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coast of the other, the local authorities shall give prompt notice of the occurrence to the Consular Officer residing in the district or to the nearest Consular Officer of the other Power.

Such stranded or wrecked ship or vessel and all parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them, within the period fixed by the laws and regulations of the country in which the wreck or stranding occurred, and such owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck or stranding of a national vessel.

The goods and merchandise saved from the wreck or stranding shall be exempt from all duties of the Customs unless cleared for consumption, in which case they shall pay ordinary duties.

In the case of a ship or vessel belonging to the nationals of one of the High Contracting Parties being driven in by stress of weather, run aground or wrecked in the territory of the other, the proper Consular Officer of the High Contracting Party to which the vessel belongs shall, if the owners or their agents are not present, or are present but require it, be authorized to interpose in order to afford the necessary assistance to the nationals of his State.

. . .
Article 19

The consular Officers of each of the High Contracting Parties residing in the territory of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of the former Party, provided that this stipulation shall not apply to nationals of the High Contracting Party from whose local authorities assistance is requested.

Article 20

Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls and other Consular Officers or Agents to reside in the towns and ports of the territory of the other where similar officers of other Powers are permitted to reside.

Such Consular Officers and Agents, however, shall not enter upon their functions until they shall have been approved and admitted by the Government to which they are sent.

They shall be entitled, on condition of reciprocity, to exercise all the powers and enjoy all the honours, privileges, exemptions and immunities of every kind which are or may be accorded to Consular Officers of the most-favoured nation.

Article 21

In case of the death of a national of one of the High Contracting Parties in the territory of the other without having in the country of his decease

any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular Officer of the nation to which the deceased belonged, in order that necessary information may immediately be forwarded to parties interested.

In case of the death of a national of one of the High Contracting Parties in the territory of the other, without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent Consular Officer of the State to which the deceased belonged shall be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the laws of the country in which the property of the deceased is situated.

The foregoing provisions shall also apply in case of a national of one of the High Contracting Parties dying outside the territory of the other, but possessing property therein, without leaving any person there entitled to take charge of and administer the estate.

. . .

NOTE: Similar provisions may be found in the treaties concluded by Siam with Japan, 8 December 1937, articles 21, 24, 25 and 26 (League of Nations, *Treaty Series*, vol. CLXXXVIII, p. 376); Germany, 30 December 1937, articles 14, 16, 17 and 18 (*ibid.*, vol. CLXXXVIII, p. 402); and Great Britain and Northern Ireland, 23 November 1937, articles 17, 18 and 19 (*ibid.*, vol. CLXXXVIII, p. 334). All these treaties have been ratified.

. . .

18. Consular Convention¹ between the United States of America and Liberia, signed at Monrovia, 7 October 1938²

. . .

Article III

Consular officers, including employees in a consulate, nationals of the State by which they are appointed, other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, national, State, provincial and municipal, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees, or wages received by them in compensation for their consular services.

The exemptions of the foregoing paragraph shall apply equally to officials who are duly appointed by one of the High Contracting Parties to exercise in its behalf essential governmental functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them and shall not be engaged in private occupations for gain within the country to which they are accredited. The State appointing them shall communicate to the other State satisfactory evidence of the appointment and shall indicate the character of the ser-

¹ League of Nations, *Treaty Series*, vol. CCI, p. 184.

² Came into force on December 21, 1939.

vices of the officials to whom the exemptions of this article are intended to apply.

The Government of each High Contracting Party shall have the right to lease land and to lease, acquire and own buildings required for diplomatic or consular premises in the territory of the other High Contracting Party and also to erect buildings in such territory for the purposes stated subject to local building regulations.

Lands and buildings situated in the territory of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, State, provincial and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

Article IV

Each of the High Contracting Parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property whether accompanying the officer, his family or suite, to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

The exemptions of the foregoing paragraph shall apply equally to officials who are duly appointed by one of the High Contracting Parties to exercise in its behalf essential governmental functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them and shall not be engaged in private occupations for gain within the country to which they are accredited. The State appointing them shall communicate to the other satisfactory evidence of the appointment and shall indicate the character of the service of the officials to whom the exemptions of this article are intended to apply.

It is understood however, that this privilege shall not be extended to officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

...

Article VI

Consular officers of either High Contracting Party, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities concerned, national, State, provincial or municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and, in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the Government of the country.

Consular officers shall have the right to interview, to communicate with, and to advise their countrymen within their consular districts; and, upon notification to the appropriate authority, to visit any of their country-

men who are imprisoned or detained by authorities of the State in which they exercise their consular functions; to assist them in proceedings before or relations with such authorities; and to inquire into any incidents which have occurred within the consular district affecting the interests of their countrymen.

Nationals of either of the High Contracting Parties shall have the right at all times to communicate with the consular officers of their country.

• • •

Article IX

A consular officer of either High Contracting Party shall within his district have the right to appear personally or by delegate in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities for all such heirs or legatees in said estate, either minors or adults, as may be non-residents and nationals of the country represented by the said consular officer, with the same effect as if he held their power of attorney to represent them, unless such heirs or legatees themselves have appeared, either in person or by duly authorised representative.

A consular officer of either High Contracting Party may on behalf of his non-resident countrymen collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees.

NOTE: The other provisions of this Convention are similar to the corresponding provisions of the Treaty between Cuba and the United States of America (Treaty No. 10 above).

19. Consular Convction ¹ between the United States of America and the United Mexican States, signed at Mexico, on 12 August 1942 ²

Article I

5. A consular officer or a diplomatic officer of either High Contracting Party, a national of the State by which he is appointed and duly commissioned or accredited by such State, may, in the capital of the other State, have the rank also of a diplomatic officer or of a consular officer, as the case may be, provided that and for so long as permission for him to exercise such dual functions has been duly granted by the Government of the State in the territory of which he exercises his functions as a consular officer and to which he is accredited as a diplomatic officer, and provided further that in any such case the rank as a diplomatic officer shall be understood as being superior to and independent of the rank as a consular officer.

• • •

¹ United Nations, *Treaty Series*, vol. 125, p. 302.

² Came into force on 1 July 1943.

Article III

1. Consular officers and employees in a consulate, nationals of the State by which they are appointed, and not engaged in any private occupation for gain within the territory of the State in which they exercise their functions, shall be exempt from all taxes, national, State, provincial and municipal, including taxes on fees, wages or salaries received specifically in compensation for consular services, and they shall be exempt from all kinds of charges incident to the licensing, registration, use or circulation of vehicles. However, they shall not be exempt from taxes levied on account of the possession or ownership of immovable property situated within the territory of the State in which they exercise their functions or taxes levied against income derived from property of any kind situated within such territory or belonging thereto.

2. The exemptions provided in paragraph 1 of this article shall apply equally to other officials who are duly appointed by one of the High Contracting Parties to exercise official functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them and shall not be engaged in any private occupation for gain within the territory of the State in which they exercise their functions; and provided further that permission for them to exercise such official functions has been duly granted by the Government of the receiving State. The Government of the State appointing such officials shall communicate to the Government of the receiving State satisfactory evidence of the appointment and shall indicate the character of the services which will be performed by the officials to whom the exemptions are intended to apply.

...

Article VI

...

2. Consular officers shall, within their respective consular districts, have the right:

(a) To interview and communicate with the nationals of the State which appointed them;

(b) To inquire into any incidents which have occurred affecting the interest of the nationals of the State which appointed them;

(c) Upon notification to the appropriate authority, to visit any of the nationals of the State which appointed them who are imprisoned or detained by authorities of the State; and

(d) To assist the nationals of the State which appointed them in proceedings before or relations with authorities of the State.

...

Article IX

1. A consular officer of either High Contracting Party shall within his district have the right to appear personally or by authorized representative in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities, for all such heirs or legatees in the estate, either minors or adults, as may be non residents of the country and nationals of the State by which the consular officer was appointed, unless such heirs or legatees have appeared, either in person or by authorized representatives.

...

Article XI

1. A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined to and about to clear for ports of his country, for the sole purpose of observing the sanitary conditions and measures taken on board such vessels, in order that he may be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to one of its ports, with a view to facilitating entry of such vessels, provided that the captain of the vessel shall have requested of the consular officer the issuance or visa of the appropriate bill of health.

2. In exercising the right conferred upon them by this Article, consular officers shall act with all possible despatch and without unnecessary delay.

. . .

NOTE: The other provisions of this Convention are similar to the corresponding provisions of the Treaty between Cuba and the United States of America (Treaty No. 10 above).

20. Traité¹ entre la République de Chine et l'Union économique belgo-luxembourgeoise relatif à l'abolition des droits d'exterritorialité en Chine et au règlement des questions s'y rapportant, signé le 20 octobre 1943²

. . .

Article VI

Les Hautes Parties Contractantes conviennent mutuellement que les fonctionnaires consulaires d'une des Hautes Parties Contractantes, dûment pourvus d'exequaturs, pourront résider dans les ports, les localités et les villes du territoire de l'autre qui seront convenus de commun accord. Les fonctionnaires consulaires de chacune des Hautes Parties Contractantes, dans les limites respectives de leurs circonscriptions, auront le droit de voir et de questionner leurs ressortissants ainsi que de communiquer avec eux et de leur donner des conseils. Ils seront immédiatement informés quand un de leurs ressortissants dans leurs circonscriptions consulaires sera détenu ou arrêté ou en prison ou attendra le jugement, et, en avisant les autorités appropriées, ils pourront les visiter et en général, les fonctionnaires consulaires de chacune des Hautes Parties Contractantes auront les droits, les privilèges et les immunités dont jouissent les fonctionnaires consulaires en vertu de la coutume internationale moderne.

Il est aussi entendu que les ressortissants de chacune des Hautes Parties Contractantes, dans le territoire de l'autre, auront le droit, en tout temps, de communiquer avec les fonctionnaires consulaires de leur propre pays. Les communications adressées aux fonctionnaires consulaires de la part

¹ Ministry of Foreign Affairs, *Treaties between the Republic of China and Foreign States (1927-1957)*, p. 33.

² Entré en vigueur le 1^{er} juin 1945.

des ressortissants d'une des Hautes Parties Contractantes qui seront détenus ou arrêtés ou en prison ou attendront le jugement dans le territoire de l'autre seront transmises aux fonctionnaires consulaires de la première Haute Partie Contractante par les autorités locales.

Article VII

Les Hautes Parties Contractantes entreront en négociations pour la conclusion d'un traité compréhensif et moderne d'amitié, de commerce, de navigation et de droits consulaires dans les six mois après la fin des hostilités dans la guerre qu'elles soutiennent actuellement contre leurs ennemis communs. Tout traité qui sera ainsi négocié sera fondé sur les principes du droit international incorporés dans les traités modernes conclus par chacune des Hautes Parties Contractantes avec d'autres Puissances.

21. Consular Convention¹ between the Republic of the Philippines and the United States of America, signed at Manila, on 14 March 1947²

Article I

1. The Government of each High Contracting Party shall, in respect of any consular officer duly commissioned by it to exercise consular functions in the territories of the other High Contracting Party, give written notice to the Government of such other High Contracting Party of the appointment of such consular officer and shall request that recognition be accorded to such consular officer. The Government of each High Contracting Party shall furnish free of charge the necessary exequatur of any consular officer of the other High Contracting Party who presents a regular commission signed by the Chief Executive of the appointing country and under its great seal, and shall issue to a subordinate or substitute consular officer who is duly appointed by an accepted superior consular officer or by any other competent officer of his Government, such documents as according to the laws of the respective High Contracting Parties shall be requisite for the exercise by the appointee of the consular function; provided in either case that the person applying for an exequatur or other document is found acceptable.

2. Consular officers of each High Contracting Party shall, after entering upon their duties, enjoy reciprocally in the territories of the other High Contracting Party rights, privileges, exemptions and immunities no less favorable in any respect than the rights, privileges, exemptions and immunities which are enjoyed by consular officers of the same grade of any third country and in conformity with modern international usage. As official agents, such officers shall be entitled to the high consideration of all officials, national, state, provincial or municipal, with whom they have official intercourse in the territories of the High Contracting Party which receives them. It is understood that the term "consular officers", as used in the present Convention, includes consuls-general, consuls and vice-consuls who are not honorary.

¹ United Nations, *Treaty Series*, vol. 45, p. 24.

² Came into force on 18 November 1948.

3. Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, any secretary, chancellor or assistant, whose official character as an employee in the consulate may previously have been made known to the Government of the High Contracting Party in whose territories the consular function was exercised, may temporarily exercise the consular functions of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, privileges, exemptions and immunities that were granted to the consular officer.

4. A consular officer or a diplomatic officer of either High Contracting Party, a national of the country by which he is appointed and duly commissioned or accredited, may, in the territories of the other High Contracting Party, have the rank also of a diplomatic officer or consular officer, as the case may be, it being understood that permission for him to exercise such dual functions shall have been duly granted by the Government of the High Contracting Party in the territories of which he exercises his functions.

. . .
Article III

1. The Government of each High Contracting Party shall have the right to acquire and hold, lease and occupy land and buildings required for diplomatic or consular purposes in the territories of the other High Contracting Party, and shall have the right to erect buildings on land which is held by or on behalf of such Government in the territories of the other High Contracting Party for diplomatic or consular purposes, subject to local building regulations.

2. No tax of any kind, national, state, provincial or municipal, shall be levied in the territories of either High Contracting Party on the Government of the other High Contracting Party, or on any officer or employee of such other High Contracting Party, in respect of land or buildings acquired, leased or occupied by such other High Contracting Party and used exclusively for the conduct of official business, except assessments levied for services or local public improvements by which the premises are benefited, provided the right of each High Contracting Party to tax the owner of property leased to the other High Contracting Party is not hereby abridged.

. . .
Article V

1. All furniture, equipment and supplies intended for official use in the consular offices and official consular residence of either High Contracting Party in the territories of the other High Contracting Party shall be permitted entry into such territories free of all duty.

2. Consular officers of either High Contracting Party and members of their families and suites, including employees in a consulate and their families, shall be exempt from the payment of any duty in respect of the entry into the territories of the other High Contracting Party of their baggage and all other personal property, whether preceding or accompanying them to a consular post, either upon first arrival or upon subsequent arrivals, or imported at any time while assigned to or employed at such post.

3. It is understood, however,

(a) That the exemptions provided in paragraph 2 of this article shall not be extended to consular officers and members of their suites, including

employees in a consulate, who are not nationals of the High Contracting Party by which they are appointed or employed, or who are engaged in any private occupation for gain within the territories of the other High Contracting Party;

(b) That in the case of each consignment of articles imported for the personal use of consular officers or members of their families or suites, including employees in a consulate and their families, at any time during their official residence within the territories in which they exercise their functions, a request for entry free of duty shall be made through diplomatic channels; and

(c) That nothing herein shall be construed to permit the entry into the territory of either High Contracting Party of any article the importation of which is specifically prohibited by law.

...

Article VII

1. Consular officers of either High Contracting Party shall have the right, within their respective consular districts, to apply to or address the authorities, national, state, provincial, or municipal, for the purpose of protecting the nationals of the High Contracting Party by which they were appointed in the enjoyment of rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection shall justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital shall have the right to apply directly to the Government of the country.

2. Consular officers of either High Contracting Party shall, within their respective districts, have the right to interview, to communicate with, and to advise nationals of their country; to inquire into any incidents which have occurred affecting the interest of such nationals; and to assist such nationals in proceedings before or relations with authorities in the territories of the other High Contracting Party. Consular officers of either High Contracting Party shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular districts and they shall, upon notification to the appropriate authorities, be permitted without delay to visit and communicate with any such national.

3. Nationals of either High Contracting Party in the territories of the other High Contracting Party shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of either High Contracting Party who are under detention or arrest or in prison or are awaiting trial in the territories of the other High Contracting Party shall be forwarded without delay to such consular officers by the local authorities.

...

Article X

1. A consular officer of either High Contracting Party shall within his district have the right to appear personally or by authorized representative in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities, for all such heirs or legatees in the estate, either minors or adults, as may

be non-residents of the country and nationals of the High Contracting Party by which the consular officer was appointed, unless such heirs or legatees have appeared, either in person or by duly authorized representatives.

2. A consular officer of either High Contracting Party shall have the right, on behalf of the non-resident nationals of the High Contracting Party by which he was appointed, to collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of workmen's compensation laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees, provided that the court or other agency making distribution through him may require him to furnish reasonable evidence of the remission of the funds to distributees, it being understood that his responsibility with respect to remission of such funds shall cease when such evidence has been furnished by him to and accepted by such court or other agency.

. . .

Article XIV

Honorary consuls or vice consuls of either High Contracting Party, as the case may be, shall enjoy those rights, privileges, exemptions and immunities provided for in article I, paragraph 1, article II, paragraph 1, articles VI, VII, VIII, IX, X, XI, XII, XIII, and XIV of the present Convention, for which they have received authority in conformity with the laws of the High Contracting Party by which they are appointed; and they shall enjoy in any case all the rights, privileges, exemptions and immunities enjoyed by honorary consular officers of the same rank of any third country.

Article XV

A consular officer shall cease to discharge his functions (1) by virtue of an official communication from the Government of the High Contracting Party by which appointed addressed to the Government of the High Contracting Party by which he has been received advising that his functions have ceased or (2) by virtue of a request from the Government of the High Contracting Party by which appointed that an exequatur be issued to a successor, or (3) by withdrawal of the exequatur granted him by the Government of the High Contracting Party in whose territory he has been discharging his duties.

. . .

NOTE: The other provisions of this Convention are similar to the corresponding provisions of the Treaty between the United States of America and Cuba (Convention No. 10 above).

22. Treaty¹ of Commerce and Navigation between Denmark and Guatemala, signed at Guatemala City, on 4 March 1948²

. . .

Article III

The Government of each of the two countries shall be entitled to appoint consuls-general, consuls, vice-consuls and other consular officials or agents in all the ports, towns and localities of the other country in which

¹ United Nations, *Treaty Series*, vol. 96, p. 230.

² Came into force on 1 July 1951.

the right to appoint consular representatives has been granted to any other State.

The said consular officials and agents shall, after having received the exequatur or any other authorization that may be required, enjoy all rights, privileges and immunities which are at present possessed by, or may hereafter be granted to, the consular representative of the nation most favoured in this respect.

Article IV

The provisions of the present Treaty relating to most-favoured-nation treatment shall not support a claim for privileges which are or may in the future be granted to contiguous States with a view to facilitating local frontier traffic.

It is further agreed that Guatemala shall not be entitled under the provisions of the present Treaty to claim privileges which are or may in future be granted by Denmark to Sweden, Norway or Iceland.

It is likewise agreed that Denmark shall not be entitled under the provisions of the present Treaty to claim any privileges which are or may in future be granted by Guatemala to Mexico or any privileges respecting Customs tariffs, or a Customs union or commercial navigation which under the " Central-American clause " are or may in future be granted by Guatemala to Costa Rica, El Salvador, Honduras or Nicaragua.

The provisions of the present Treaty shall not apply to Greenland, where trade and navigation are reserved to the Danish State.

...

23. Traité¹ consulaire, de navigation, des droits civils et commerciaux et d'établissement entre la Grèce et le Liban, signé à Beyrouth, le 6 octobre 1948²

...

CLAUSES CONSULAIRES

Article 14

Chacune des Hautes Parties Contractantes aura la faculté d'établir des consuls généraux, des consuls, des vice-consuls ou des agents consulaires dans les ports, villes et autres localités du territoire de l'autre Partie.

Les Hautes Parties Contractantes se réservent toutefois le droit de refuser l'établissement de consuls généraux, consuls, vice-consuls et agents consulaires dans certaines localités ou portions du territoire, pourvu que cette réserve soit également appliquée à toutes les Puissances.

Les consuls ainsi que les autres fonctionnaires consulaires pourront être de carrière ou honoraires.

Si le fonctionnaire honoraire est ressortissant du pays où il aura à exercer les fonctions consulaires, l'assentiment dudit pays devra être préalablement obtenu par la voie diplomatique.

Sur présentation de leurs lettres de provision, les consuls seront réciproquement admis et reconnus par le Gouvernement de l'Etat de leur résidence selon les règles et formalités en usage dans cet Etat, l'exequatur

¹ Nations Unies, *Recueil des Traités*, vol. 87, p. 132.

² Entré en vigueur le 28 août 1950.

pour le libre exercice de leurs fonctions leur sera délivré sans retard et sans frais.

Le Gouvernement de l'Etat de résidence informera immédiatement de la nomination du consul les autorités compétentes de la circonscription consulaire et ces dernières, sur cet avis ou sur la présentation de l'exequatur, devront prendre sans délai toutes mesures utiles pour que le consul puisse s'acquitter des devoirs de sa charge et jouir des droits, privilèges et immunités reconnus par le présent Traité.

En cas d'empêchement, d'absence ou de décès d'un chef de poste, les fonctionnaires adjoints seront autorisés dans l'ordre fixé par l'Etat dont ils relèvent, à exercer par intérim les fonctions du titulaire, à condition que leur caractère officiel ait été porté auparavant à la connaissance des autorités compétentes.

Article 15

Les consuls pourront apposer sur la maison où sont installés leurs bureaux ou chancelleries l'écusson des armes du pays qu'ils représentent avec les indications d'usage dans la langue officielle de leur Etat, arborer le pavillon de ce pays aux jours de solennités officielles, ainsi que dans d'autres circonstances d'usage. Toutefois, ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile.

Article 16

L'ensemble des pièces à l'usage des bureaux pour le service officiel consulaire et le local spécialement affecté au dépôt des archives consulaires sont inviolables. Ces pièces et ce local doivent être parfaitement distincts des pièces servant à l'habitation personnelle du fonctionnaire consulaire et ne peuvent être affectés à d'autres usages.

Les consuls de carrière et les autres fonctionnaires de carrière, sujets de l'Etat qui les a nommés jouiront de l'exemption de toutes contributions directes ayant le caractère d'impôt personnel établies par l'Etat de leur résidence ou par une autorité quelconque qui en relève.

Les consuls honoraires et les autres fonctionnaires honoraires seront seuls autorisés à exercer un commerce ou toute autre activité différente de leur fonction. Ils seront exempts des réquisitions et des logements militaires uniquement pour les locaux affectés à leur chancellerie et à leurs archives consulaires.

Pendant un délai de six mois après leur entrée en fonction, les consuls et tous les autres fonctionnaires consulaires de carrière, citoyens de l'Etat qui les a nommés, sont autorisés, en rejoignant leur poste sur le territoire de l'autre Etat, à faire entrer leur mobilier et les effets et ustensiles de ménage destinés à leur usage personnel ou à l'usage de leur famille.

Les consuls et les autres fonctionnaires consulaires de carrière, ressortissants de l'Etat qui les a nommés, jouiront de l'immunité personnelle. Ils ne pourront être mis en état d'arrestation ou d'emprisonnement préventif que pour les infractions qui, en vertu de la législation locale sont qualifiées crimes et punies comme tels.

En cas de poursuite judiciaire, d'arrestation ou de mise en accusation du consul ou de l'un des fonctionnaires ci-dessus, le Gouvernement de l'Etat de leur résidence informera sans délai le représentant diplomatique de l'Etat dont il relève.

Les consuls et les autres fonctionnaires consulaires de carrière ou hono-

raires pourront se refuser à déposer sur tous faits ayant trait à l'exercice de leurs fonctions et à produire des pièces dont ils seraient détenteurs en opposant le secret professionnel ou d'Etat. Au cas où l'autorité judiciaire n'admettrait pas le bien-fondé de cette exception, elle devra s'abstenir de toute mesure coercitive à l'égard dudit fonctionnaire consulaire. Les difficultés qui surgiraient à cette occasion devront toujours être réglées par la voie diplomatique.

Article 17

Les consuls de chacune des Hautes Parties Contractantes sont admis à protéger les ressortissants de l'Etat qui les a nommés et à défendre en vertu du droit et des usages internationaux tous droits et intérêts de ces ressortissants.

A cet effet, ils pourront s'adresser aux autorités administratives et judiciaires de leur circonscription en vue d'obtenir les renseignements et explications nécessaires; ils pourront aussi s'adresser à toutes les autorités administratives de leur circonscription pour réclamer contre toute infraction aux conventions et traités existant entre les deux pays et contre tout abus dont leurs nationaux auraient à se plaindre.

Article 18

Les consuls de chacune des Hautes Parties Contractantes ont, s'ils y sont autorisés par les lois ou règlements du pays qui les a nommés, le droit de délivrer à leurs ressortissants des passeports et autres pièces d'identité ainsi que de viser tous passeports, certificats d'origine et de marchandises et autres documents.

Article 19

Les consuls pourront recevoir les déclarations de naissance et de décès de leurs nationaux, sans préjudice de l'obligation des intéressés d'effectuer les déclarations imposées par les lois du pays de résidence.

Ils pourront célébrer les mariages de leurs ressortissants et recevoir les déclarations de répudiation et de divorce par consentement mutuel lorsque les conjoints sont ressortissants de leur Etat et dans les cas où leur loi nationale les y autorise.

Ils pourront recevoir les actes de reconnaissance d'enfants lorsqu'ils émanent d'un de leurs ressortissants, dresser des actes de constatation d'héritiers, recevoir et enregistrer tous actes ou déclarations d'état civil de leurs ressortissants et toutes autres déclarations de ces derniers avec ou sans serment.

Article 20

Les consuls de chacune des Hautes Parties Contractantes auront le droit, s'ils y sont autorisés par les lois ou règlements de l'Etat qui les a nommés :

(1) De recevoir, soit dans leur chancellerie, soit aux domiciles des parties, les déclarations que pourraient avoir à faire leurs ressortissants, et à bord des navires maritimes et fluviaux de leur Etat, celle des capitaines, des gens de l'équipage et des passagers.

Ces déclarations ne pourront toutefois avoir d'effet par-devant les autorités du pays de résidence, qu'en accord avec la législation de ce dernier;

(2) De recevoir, dresser et légaliser, au même titre que les notaires ou les autorités en remplissant les fonctions, les actes juridiques y compris les dispositions testamentaires des ressortissants de l'Etat qui les a nommés, et publier les testaments rédigés par eux en leur qualité officielle et déposés au consulat ou présentés après le décès du testateur.

Toutefois, les actes juridiques entre vifs concernant la constitution ou le transfert d'un droit réel sur les immeubles situés sur le territoire de l'Etat de résidence devront être soumis aux formalités des inscriptions ou transcriptions conformément à la loi dudit Etat.

Article 21

Les consuls des deux Hautes Parties Contractantes auront le droit d'organiser, conformément à leur propre loi, la tutelle et la curatelle de leurs ressortissants résidant dans le ressort du consulat.

Les autorités locales leur signaleront toutes circonstances rendant nécessaire l'organisation d'une tutelle ou d'une curatelle de l'un de leurs ressortissants.

La connaissance de toutes demandes et contestations en matière de tutelle et de curatelle appartiendra aux juridictions et autres autorités compétentes du pays dont relève l'incapable, sans préjudice des lois concernant le régime immobilier.

Le consul donnera connaissance aux autorités administratives du pays de résidence du tuteur ou du curateur qu'il aura désigné.

Article 22

En cas de décès d'un ressortissant de l'une des Hautes Parties Contractantes sur le territoire de l'autre, les autorités locales compétentes en donneront immédiatement avis au consul de la circonscription où le décès a eu lieu et lui fourniront tous renseignements susceptibles de révéler l'existence de dispositions testamentaires et d'identifier et retrouver tous héritiers et successeurs.

Article 23

Lorsqu'un Hellène laisse des biens au Liban ou un Libanais laisse des biens en Grèce, quelles que soient les qualités et la nationalité des héritiers et autres ayants droit, qu'ils soient majeurs ou mineurs, absents ou présents, connus ou inconnus, le consul aura qualité pour apposer les scellés soit d'office, soit à la requête de toute partie intéressée, sur tous les effets mobiliers et papiers du défunt, en présence de l'autorité locale ou celle dûment appelée. L'autorité locale aura le droit de croiser de ses scellés ceux du consul.

La levée des scellés se fera par le consul en présence de l'autorité locale compétente ou celle dûment appelée. Les doubles scellés ne pourront toutefois être levés que de commun accord avec l'autorité locale compétente ou en vertu d'une décision de justice.

Article 24

Si les héritiers ne sont pas connus, ou si parmi eux ou les autres ayants droit il s'en trouve dont l'existence est incertaine ou le domicile inconnu,

ou qui ne sont pas présents ni dûment représentés, ou qui sont mineurs ou incapables, ou si étant tous majeurs et présents ils ne sont pas d'accord sur leurs droits et qualités, le consul, après que l'inventaire aura été dressé, sera, comme séquestre des biens de toute nature laissés par le défunt, chargé de plein droit d'administrer et de liquider la succession. En conséquence, il pourra procéder, en suivant les formes prescrites par les lois et usages du pays, à la vente des meubles et objets mobiliers susceptibles de déperir ou dispendieux à conserver, recevoir les créances qui seraient exigibles ou viendraient à échoir, les intérêts des créances, les loyers et les fermages échus, faire tous les actes conservatoires des droits et des biens de la succession, employer les fonds trouvés au domicile du défunt ou recouvrés depuis le décès, acquitter les charges urgentes et les dettes de la succession, prendre, en définitive, toutes mesures susceptibles de rendre l'actif net et liquide.

Si, dans un délai de six mois à partir de la notification du décès au consul, des héritiers ou autres ayants droit ne se sont pas présentés, le consul pourra, en tant que représentant de droit des absents, se faire remettre par le curateur, l'administrateur ou toute autorité les détenant, les parts non réclamées de l'actif de la succession. Il devra à cet effet produire tous documents et justifications exigés des héritiers et autres ayants droit.

La connaissance de toutes demandes et contestations en matière de succession *ab intestat* ou testamentaire appartiendra aux juridictions et autres autorités compétentes du pays dont ressortissait le défunt, sous réserve, quant aux immeubles, des lois territoriales qui les régissent.

Toute déclaration contre la succession ne reposant pas sur un titre d'hérédité ou une disposition testamentaire peut être jugée par les tribunaux du pays de l'ouverture de la succession, à moins que la réclamation n'ait pour objet un droit réel sur un immeuble situé en dehors de ce pays.

Article 25

Lorsque des ressortissants de l'un des Etats contractants, absents ou incapables et non représentés seront intéressés dans une succession ouverte sur le territoire de l'autre Etat, quelle que soit la nationalité du défunt, le consul aura le droit de requérir de l'autorité locale compétente les mesures auxquelles il est habilité à procéder lui-même, en vertu des articles 22 et 24, al. 1^{er}.

Article 26

Les consuls de chacune des Hautes Parties Contractantes pourront, en se conformant aux règlements en vigueur, faciliter l'entrée et la sortie des navires battant leur pavillon national et leur prêter toute aide nécessaire pendant la durée du séjour desdits navires dans un port de leur circonscription consulaire.

Les consuls pourront, à bord des navires de commerce battant leur pavillon national, interroger les capitaines et l'équipage et recueillir des renseignements des passagers, examiner les papiers de bord, dresser des manifestes, recevoir conformément aux stipulations du présent Traité des déclarations sur le voyage, la destination et les incidents de la traversée et procéder, par tous experts, à toute vérification en cas d'avarie, ou toute enquête en cas de sinistre, lorsque cette vérification ou cette enquête est prévue par leur loi nationale.

Les représentants des autorités judiciaires et administratives ainsi que

les fonctionnaires de la douane de l'une des Hautes Parties Contractantes ne pourront entreprendre, dans un port où réside un consul de l'autre Partie, à bord des navires de commerce battant le pavillon de celle-ci, ni recherches ni perquisitions, ni y opérer des arrestations, sauf en cas de flagrant délit, ni procéder à des mesures quelconques impliquant des moyens de contrainte, sans prévenir préalablement ou, en cas d'urgence, au moment même de la mesure envisagée, le consul de la nation à laquelle appartient le bâtiment afin qu'il puisse y assister.

Les autorités locales devront également aviser en temps opportun le consul pour qu'il puisse assister aux déclarations que les capitaines ou l'équipage auraient à faire devant les tribunaux locaux ou l'administration locale.

L'invitation qui sera adressée dans les cas précités aux consuls déterminera le lieu et l'heure de la mesure envisagée. Si les consuls négligent de s'y rendre en personne ou de se faire représenter par un délégué, il sera procédé en leur absence. Auquel cas les autorités locales seront tenues d'en informer sans délai le consul et d'indiquer, le cas échéant, les motifs de l'urgence. Il en sera de même lorsque le consul ne réside pas dans le port.

Toutefois, l'intervention des consuls ne sera pas requise pour l'accomplissement, par les autorités locales, des formalités ordinaires à l'arrivée et au départ des navires en conformité des règlements de navigation, de douane et de santé.

Article 27

Les consuls, dans les limites prévues par la législation de l'Etat qui les a nommés, sont chargés exclusivement du maintien de l'ordre intérieur à bord des navires marchands battant leur pavillon national. Ils pourront confier, en cas de besoin, les fonctions de capitaine à une personne de leur choix et remplacer les officiers et les gens de l'équipage.

Ils régleront eux-mêmes, conformément aux lois de leur pays, les litiges de toute nature qui surviendraient entre le capitaine, les officiers et les matelots de ces navires et spécialement ceux relatifs à la solde ou à l'accomplissement des engagements réciproquement contractés.

Les autorités locales ne pourront intervenir que lorsque des faits survenus à bord des navires marchands seraient de nature à troubler la tranquillité publique à terre ou dans le port, ou qu'un délit y aura été commis auquel une personne du pays ou ne faisant pas partie de l'équipage se trouve mêlée, ou qu'il s'agit d'une infraction qualifiée crime par la loi locale.

Dans ces cas, les autorités précitées se borneront à prêter leur appui aux consuls, si elles en sont requises, pour faciliter l'accomplissement de leurs fonctions consulaires.

Article 28

Les consuls pourront faire arrêter, ainsi que faire renvoyer, soit à bord, soit dans leur patrie, les officiers, matelots et toutes autres personnes faisant partie à quelque titre que ce soit des équipages des navires battant pavillon de leur nation, qui auront déserté sur le territoire de l'autre Partie Contractante.

A cet effet, ils devront s'adresser par écrit aux autorités locales compétentes et justifier, en produisant les registres du bâtiment ou le rôle d'équipage, ou, à défaut, un extrait authentique de ces documents, que les personnes

réclamées faisaient réellement partie de l'équipage. Dans les localités où il n'y aurait pas de consul, la demande de remise pourra être adressée aux autorités locales par le commandant du navire, sous réserve de l'observation des formalités prescrites par le présent alinéa.

Sur cette demande ainsi justifiée, la remise des déserteurs ne pourra être refusée que si le déserteur s'est rendu coupable à terre d'un crime ou d'un délit. Dans ce cas, l'autorité locale pourra surseoir à la remise jusqu'à ce que le tribunal local compétent ait rendu sa sentence et que celle-ci ait reçu pleine et entière exécution. Il sera donné, en outre, aux consuls secours et assistance pour la recherche et l'arrestation de ces déserteurs.

Ceux-ci seront conduits dans les prisons du pays et y seront détenus à la demande écrite et aux frais du consul, jusqu'au moment où ils seront réintégrés à bord d'un navire national ou rapatriés.

Toutefois, la détention ne pourra se prolonger au-delà de deux mois. Passé ce délai, les déserteurs seront libérés, le consul dûment avisé trois jours auparavant.

Les Hautes Parties Contractantes conviennent en outre que les stipulations du présent article ne s'appliquent pas aux officiers, matelots et autres personnes faisant partie de l'équipage, ressortissants du pays dans lequel ils ont déserté.

Article 29

Toutes opérations de sauvetage des navires de l'une des Hautes Parties Contractantes, naufragés ou échoués sur les côtes de l'autre Partie, seront dirigées par les consuls auxquels ressortissent les navires.

En l'absence et jusqu'à l'arrivée du consul immédiatement prévenu ou de la personne qu'il aura déléguée à cet effet, les autorités locales auront à prendre toutes mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

A moins d'en être requises par le consul, les autorités locales n'interviendront que pour maintenir l'ordre, garantir les intérêts des sauveteurs s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

Si le navire a fait naufrage ou a échoué dans l'enceinte ou à l'entrée du port, les autorités locales pourront prescrire les mesures jugées nécessaires en vue de protéger le trafic et d'éviter tout dommage au port, à ses installations et aux navires qui s'y trouvent.

Les propriétaires des navires et des marchandises ainsi que les sauveteurs ne seront tenus, du fait de l'intervention des autorités locales, à d'autres dépenses hors celles exigées par les opérations de sauvetage et la conservation des marchandises sauvées, ou auxquelles sont assujettis en pareil cas les nationaux.

Les marchandises sauvées ne seront frappées d'aucun droit de douane si elles doivent être réexportées et le sont effectivement dans le délai d'un an.

En cas de doute sur la nationalité des navires naufragés, seules les autorités locales seront compétentes pour prendre les mesures mentionnées au présent article.

Article 30

Dans tous les cas où, dans les accords conclus entre les armateurs, chargeurs ou assureurs, il n'y aura pas de stipulations contraires, les avaries que les navires de l'une des Hautes Parties Contractantes auront subies en mer,

qu'ils soient entrés dans les ports volontairement ou par suite de relâche forcée, seront réglées par leurs consuls, à moins que des ressortissants du pays de résidence de ce dernier, ou des ressortissants d'une tierce Puissance ne soient intéressés dans ces avaries. Dans ce cas, et à défaut de compromis amiable entre toutes les parties intéressées, les avaries seront réglées par les autorités locales.

Article 31

Les dispositions du présent Traité concernant les attributions des consuls s'appliqueront également aux agents diplomatiques des Hautes Parties Contractantes qui seront investis des fonctions consulaires et dont la désignation aura été notifiée à l'autre Partie par la voie diplomatique.

. . .

24. Consular Convention¹ between the United States of America and Ireland, signed at Dnhlin, on 1 May 1950²

PART I

APPLICATION AND DEFINITIONS

Article 1

The territories of the High Contracting Parties to which the provisions of this Convention apply shall be understood to comprise all areas of land, air and water subject to the sovereignty or authority of either State, except the Panama Canal Zone.

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) (a) The term "territory" means that particular territory of the receiving State in which the whole or part of a consular officer's district is situated;

(b) The States of the United States of America and the District of Columbia shall be regarded as a single territory, and each other territory subject to the sovereignty or authority of the United States of America shall be regarded as a separate territory, provided that for the purposes of article 13 the States of the United States, the District of Columbia, Alaska and Hawaii shall be regarded as a single territory, and provided that for

¹ United Nations, *Treaty Series*, vol. 222, p. 108.

² Came into force on 12 June 1954.

the purposes of article 18 each State of the United States and the District of Columbia shall be regarded as a separate territory;

(4) The term "national" shall, according to the context, be deemed to include any natural person or juridical entity possessing, as the case may be, the nationality of the receiving State or the sending State, and the term "person" shall be deemed to include any natural person or juridical entity;

(5) The term "vessel" of a High Contracting Party means any ship or craft documented or registered under the law of that High Contracting Party;

(6) The term "consular officer" means any person who is granted an exequatur or provisional or other authorization, for the performance of functions to which this Convention relates, by the appropriate authorities of the territory;

(7) The term "consular employee" means any person employed at a consulate for the performance of executive, administrative, clerical, technical or professional duties, or as consular guard, messenger or driver of a vehicle whose name has been duly communicated, in accordance with the provisions of paragraph (2) of article 6, to the appropriate authorities. It does not include any person employed on domestic duties;

(8) The term "archives" shall, where the context so permits, be deemed to include official correspondence, documents, papers, books, records, cash, stamps, seals, filing cabinets, safes and other office paraphernalia held or used for official purposes.

PART II

APPOINTMENTS AND DISTRICTS

Article 3

(1) Either High Contracting Party may establish and maintain consulates in the territories of the other 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 the consulate shall be a consulate general, consulate, vice consulate, or consular agency.

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

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

- (a) Of any area which is not within a consular district and is not open to the Trade Commissioners or commercial representatives of a third State;
- (b) Of any territory of a third State.

(4) A consular officer may, upon notification to the receiving State, perform consular functions outside his consular district unless the receiving State objects.

Article 4

(1) Subject to the provisions of the subsequent paragraphs of this article, the sending State may assign to any of its consulates consular officers of such number and rank as it may deem necessary. The sending State shall notify the receiving State in writing of the assignment of a consular officer to a consulate.

(2) The exequatur or other authorization shall be granted as soon as possible and free of charge by the receiving State on presentation of the officer's commission or other notification of assignment. When necessary, a provisional authorization shall be accorded, pending the grant of an exequatur or other authorization.

(3) The exequatur or other authorization shall not be refused without good cause.

(4) The receiving State shall not be deemed to have consented to a consular officer's acting as such, or to have extended to him the benefits of the provisions of this Convention, until the receiving State has granted him an exequatur or other authorization.

Article 5

(1) The receiving State shall upon request inform without delay its appropriate authorities in such manner as it shall deem fit of the name of any consular officer entitled to act under this Convention.

(2) As an official agent of the sending State, a consular officer shall be entitled to special protection and to the high consideration of all officials of the receiving State with whom he has official intercourse.

(3) A consulate or a consular officer shall enjoy in the receiving State, in addition to the rights conferred by the terms of this Convention, and subject to reciprocity, treatment not less favourable than that accorded to a consulate or a consular officer of any third State, both as regards the privileges granted and the functions which may be performed.

(4) The receiving State may revoke the exequatur or other authorization of a consular officer whose conduct has given serious cause for complaint. The reason for such revocation shall, upon request, be furnished to the sending state through diplomatic channels.

Article 6

(1) A consular officer or employee may be assigned temporarily in an acting capacity to the duties of a consular officer who has died or is unable to act through illness, absence or other cause. Such acting officer may perform these duties and enjoy the benefit of the provisions of the Convention upon notification to the government of the territory, pending the assignment of a new officer or the confirmation of the acting officer.

(2) The sending State shall be free to employ the necessary number of consular employees at its consulates, whether its own nationals or nationals of the receiving State or of a third State. Consular officers shall keep the government of the territory informed of the names and addresses of these employees. It will be for the government of the territory to designate the particular authority to whom this information is to be given.

(3) The sending State may, with the permission of the receiving State, assign to the work of a consulate one or more members of its diplomatic mission accredited to the receiving State. In this event the provisions of article 4 shall apply as regards their consular assignment. These officers shall be entitled in their consular capacity and with regard to the performance of consular functions, to the benefits, and be subject to the obligations, of this Convention, without prejudice to any additional personal privileges to which they may be entitled if they are recognized also as diplomatic officers by the receiving State.

PART III

LEGAL RIGHTS AND IMMUNITIES

Article 7

(1) The sending State may acquire under such form of tenure as it may choose, whether on lease, or in full ownership, or under such other form of tenure as may exist under the laws of the territory, and may thus hold and occupy, either in its own name or in the name of one or more natural or juridical persons acting on its behalf, land, buildings, parts of buildings, and appurtenances located in the territory and required by the sending State for the purpose of a consular office, or of a residence for a consular officer or employee, or for other purposes, to which the receiving State does not object, arising out of the operation of the consular establishment of the sending State. If, under the law of the territory, the permission of the authorities of the territory must be obtained as a prerequisite to any such acquisition, such permission shall be granted on request.

(2) The sending State shall have the right to erect, for any of the purposes specified in paragraph (1) of this article, buildings and appurtenances on land which it so owns or holds on lease, subject to compliance with local building, zoning, or town planning regulations, applicable to all land in the area in which such land is situated.

Article 8

(1) There may be placed, on the outer enclosure and outer wall of the building in which a consulate is installed, the coat-of-arms or national device of the sending State with an appropriate inscription designating the consulate in the language or languages of the sending State. It shall also be permitted to place such coat-of-arms or national device and inscription on or by the entrance door to the consular office.

(2) The flag of the sending State and its consular flag may be flown at the consulate. A consular officer may also place the coat-of-arms or device and fly the flag of the sending State and its consular flag on the vehicles, marine vessels and aircraft which he employs in the exercise of his duties. These flags may also be flown at the consular officer's residence.

(3) If the offices of a consulate are situated in a building which is also used for other purposes such as, for instance, the residence of the consular officer, the room or rooms where the consular business is conducted and the archives of the consulate are kept shall be separate from those used for other purposes. This provision does not require the separation of

diplomatic from consular rooms when a consular office forms part of a diplomatic mission.

(4) A consular office shall not be entered by the police or other authorities of the receiving State, provided such office is devoted exclusively to consular business, except with the consent of the consular officer or, if such consent is withheld or cannot be obtained, pursuant to appropriate writ or process and with the consent of the Secretary of State of the United States when the receiving State is the United States, or of the Minister for External Affairs of Ireland when the receiving State is the Republic of Ireland. The consent of the consular officer shall be presumed in the event of fire or other disaster or in the event that the authorities of the territory have probable cause to believe that a crime of violence has been or is being or is about to be committed in the consular office. The provisions of this paragraph shall not apply to a consular office which is in the charge of a consular officer who is a national of the receiving State, or who is not a national of the sending State.

(5) Neither a consular office, nor the flag of the sending State, shall be used to afford asylum to fugitives from justice or to defeat legal process. If a consular officer shall refuse to surrender a fugitive from justice on the lawful demand of the authorities of the territory, these authorities may, subject to paragraph (4) of this article, if necessary, enter the consular office to apprehend the fugitive.

(6) Any entry into or search of a consular office pursuant to paragraphs (4) and (5) of this article, shall be conducted with due regard to the inviolability of the consular archives, as provided in paragraph (1) of article 10.

(7) A consular officer shall not take advantage of the privileges accorded to the consular office by this Convention for any purpose not connected with the exercise of his consular functions.

Article 9

(1) Land, buildings and parts of buildings, and appurtenances, including the furniture and equipment therein, held or occupied exclusively for any of the purposes specified in paragraph (1) of article 7, as well as the vehicles marine vessels and aircraft of a consulate, shall not be subject to military requisitions or billeting. Such land, buildings and parts of buildings, and appurtenances shall not be immune from expropriation or seizure for purposes of national defense or public utility in accordance with the law of the territory, but if it is necessary to take any such measure with regard to any such property, every consideration shall be shown to avoid interference with the performance of consular functions.

(2) In addition, a consular officer or employee, provided that in both cases he complies with the conditions set out in paragraph (5) of this article, his private residence, furniture and other household articles, and all vehicles marine vessels and aircraft held or possessed by him, shall enjoy exemption from all military requisitions contributions or billeting. This privilege shall not be extended to other property belonging to him. The residence of a consular officer or employee shall not be immune from expropriation or seizure for purposes of national defense or public utility in accordance with the law of the territory.

(3) Further, due compensation shall be paid for expropriation or seizure

in respect of all proprietary interests in a consulate, including all land, buildings, parts of buildings, and appurtenances, held or occupied exclusively for any of the purposes specified in paragraph (1) of article 7, vested in the sending State or in a consular officer or employee who complies with the conditions of paragraph (5) of this article. Such compensation shall be payable at the legally usable rate of exchange most favourable to the sending State at the time when the property was expropriated or seized, in a form readily convertible into the currency of and transferable to the sending State, and shall be paid not later than the date on which the consulate or consular officer or employee is deprived of possession.

(4) A consular officer or an employee, provided that he complies with the conditions set out in paragraph (5) of this article, shall enjoy exemption from military, naval, air, police, administrative or jury service of every kind.

(5) The conditions referred to in paragraphs (2), (3) and (4) of this article are that the person concerned should

- (a) Be a national of the sending State and not a national of the receiving State; and
- (b) Not be engaged in private occupation for gain in the territory; and
- (c) Not have been normally resident within the territory at the time he was appointed to the consulate.

Article 10

(1) The archives kept in 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. The archives of a consulate shall be kept separate from papers, books or correspondence of a consular officer or employee relating to other matters. This provision does not require the separation of diplomatic from consular archives when a consular office forms part of a diplomatic mission.

(2) A consular officer may communicate with his government, or with the diplomatic mission under whose superintendence he is, by post, telegraph, telephone and wireless, provided that when the receiving State is at war the right of communication with the diplomatic mission, if it is situated outside the territories of the receiving State, may be restricted. In addition, he may at all times send and receive official correspondence by sealed consular pouches, bags and other containers and may use secret language. This right shall also extend to correspondence with other consulates and diplomatic missions of the sending State, or with the authorities of other territories of that State, except that, when the receiving State is at war, this extended right may be restricted.

(3) The official consular correspondence referred to in the preceding paragraph shall be inviolable and the authorities of the territory shall not examine or detain it. Sealed consular pouches, bags and other containers shall be inviolable when they contain nothing but official communications and documents and are so certified by a responsible officer of the sending State.

(4) A consular officer or employee shall be entitled to refuse a request from the courts or authorities of the territory to produce any portion of his archives or to give evidence relating to matters 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 consular officer or employee, it is possible to do so without prejudicing the interests of the sending State. A consular officer is also entitled to decline to give evidence as an expert witness with regard to the laws of the sending State.

Article 11

(1) (a) A consular officer 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 this Convention, unless the sending state requests or assents to the proceedings through its diplomatic representative.

(b) A consular officer who is a national of the sending State and not a national of the receiving State and not engaged in private occupation for gain in the receiving State, shall be exempt from arrest or prosecution in the receiving State except when charged with the commission of a crime which, upon conviction, might subject the individual guilty thereof to a sentence of imprisonment for a period of one year or more.

(2) It is understood that the provisions of paragraph (1) (a) of this article do not preclude a consular officer 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, and that the provisions of paragraph (4) of article 10 do not entitle a consular officer or employee to refuse to produce any document or to give evidence relating to such a contract.

(3) A consular officer or employee may be required to give testimony in either a civil or a criminal case, except as provided in paragraph (4) of article 10. The authorities and court requiring his testimony shall take all reasonable steps to avoid interference with the performance of his official duties. The court requiring the testimony of a consular officer who satisfies the conditions of paragraph (5) of article 9 shall, wherever possible or permissible, arrange for the taking of such testimony, orally or in writing, at his residence or office.

(4) A consular officer and his wife and minor children who are residing with their parents shall be exempted in the territory 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 while the consular officer holds his exequatur or other authorization.

(5) All motor vehicles, marine vessels and aircraft owned by the sending State and used by the consulate or owned by a consular officer or employee will be adequately insured by policies against third party risks. Any claim arising under any such policy shall be deemed to be a claim arising out of a contract involving liability in a civil action, as contemplated in paragraph (2) of this article.

PART IV

FINANCIAL PRIVILEGES

Article 12

(1) No tax or other similar charge of any kind, national, State, provincial, municipal, or other, shall, in the territory, be collected from the

sending State or any natural or juridical person acting on its behalf in respect of land, buildings, parts of buildings, or appurtenances owned or otherwise held or occupied by or on behalf of the sending State, or in respect of buildings or parts of buildings erected by or on behalf of the sending State, and used exclusively for any of the purposes specified in paragraph (1) of article 7, except taxes or other assessments levied for services or local public improvements by which and to the extent that the premises are benefited.

(2) No tax or other similar charge of any kind, national, State, provincial, municipal, or other, shall, in the territory, be collected from the sending State, or any natural or juridical person acting on its behalf, in respect of the acquisition, ownership, possession, or use of movable property owned or used by the sending State exclusively for any of the purposes specified in paragraph (1) of article 7.

(3) No tax or other similar charge of any kind shall, in the territory, be collected from the sending State in respect of transactions or instruments relating to the acquisition and holding of immovable property for any of the purposes specified in paragraph (1) of article 7.

Article 13

(1) (a) No tax or other similar charge of any kind shall be imposed on or collected from the sending State in the territory by the receiving State, or by any State, province, municipality, or other local subdivision thereof, in respect of fees received on behalf of the sending State in compensation for consular services, or in respect of any receipt given for the payment of such fees.

(b) The sending State or a consular officer or employee thereof shall be exempt in the territory from all taxes and other similar charges of any kind imposed or collected by the receiving State, or by any State, province, municipality, or other local subdivision thereof, in respect of acts performed in the course of the officer's or employee's official functions. This exemption shall not apply to taxes or other similar charges in respect of which some other person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to the sending State or the consular officer or employee.

(2) No tax or other similar charge of any kind shall be imposed or collected in the territory by the receiving State, or by any State, province, municipality, or other local subdivision thereof, in respect of the official emoluments, salaries, wages, or allowances received as compensation for his consular services by a consular officer, unless he is a national of the receiving State and is not also a national of the sending State.

(3) The provisions of paragraph (2) of this article also apply to the official emoluments, salaries, wages, or allowances received by a consular employee as compensation for his services at a consulate, unless such consular employee is a national of the receiving state and is not also a national of the sending State.

(4) Without prejudice to the preceding paragraphs of this article, a consular officer or employee who is

(a) A national of the sending State and not a national of the receiving State,

(b) Not engaged in private occupation for gain in the territory, and

(c) A permanent employee of the sending State, shall, except as provided in paragraph (5) of this article, be exempt in the territory from all taxes or other similar charges of any kind which are or may be imposed or collected by the receiving State, or by any State, province, municipality, or other local subdivision thereof.

(5) (a) The provisions of paragraph (4) of this article shall apply only to taxes or other similar charges in respect of which the consular officer or employee would, in the absence of the exemption provided by this article, be the person legally liable, and shall not apply to taxes or other similar charges in respect of which some other person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to the consular officer or employee, or to duties or taxes payable on the withdrawal from bonded warehouses of goods the product, manufacture, or growth of the receiving State. If, however, a consular officer or employee who satisfies the conditions of paragraph (4) of this article is entitled to income from sources outside the territory but that income is payable to him, or collected on his behalf, by a banker or other agent within the territory who is required to deduct income tax on payment of the income and to account for the tax so deducted, the consular officer or employee shall be entitled to repayment of the tax so deducted.

(b) The provisions of paragraph (4) shall not apply to

- (i) Taxes imposed or collected on the ownership or occupation of immovable property situated within the territory;
- (ii) Taxes on income derived from sources within the territory;
- (iii) Taxes imposed or collected on the passing of property on death, such as estate, inheritance and succession taxes, whether the consular officer or employee is the person who dies or the person to whom the property passes on death;
- (iv) Taxes on transactions or instruments effecting transactions, such as taxes on the sale or transfer of money or property, or stamp duties imposed or collected in connection therewith; and
- (v) Taxes and duties imposed upon, or by reason of, importation of articles into the territory which are dealt with exclusively in article 14.

(6) Nothing in this Convention shall prejudice any claim for exemption from taxation which could be made under the Conventions signed September 13, 1949, between the United States of America and the Republic of Ireland.

Article 14

(1) All furniture, equipment, supplies, building materials and other articles, including vehicles, marine vessels and aircraft, intended for official use in the territory in connection with any of the purposes specified in paragraph (1) of article 7 shall be permitted entry into the territory free of all taxes or duties imposed upon, or by reason of, importation.

(2) Baggage and effects and other articles, including vehicles, marine vessels and aircraft, imported into the territory by a consular officer or employee, provided that he fulfils the conditions specified in paragraph (4) of article 13, exclusively for his personal use and the use of members of his

family forming part of his household, shall be exempt from all taxes or duties, nationals, State, provincial, municipal, or other, imposed upon, or by reason of, importation, whether accompanying him to his consular post, either upon first arrival or upon subsequent arrivals, or subsequently consigned to him at his post and imported at any time while he is assigned to or employed at such post.

(3) It is, however, understood that:

(a) The receiving State may, as a condition to the granting of the exemption provided in this article, require that a notification of any importation be given in such manner as it may prescribe;

(b) The exemption provided in this article, being in respect of articles imported for official or personal use only, does not extend, *inter alia*, to articles imported as an accommodation to others or for sale or for other commercial purposes. However, articles imported as samples of commercial products solely for display within a consulate, shall not be regarded as excluded from the exemption provided in this article;

(c) The receiving State may determine that the exemption provided by this article does not apply in respect of articles grown, produced or manufactured in the territory which have been exported therefrom without payment of, or upon repayment of, taxes or duties, which would have been chargeable but for such exportation;

(d) Nothing herein shall be construed to permit the entry into the territory of any article the importation of which is specifically prohibited by law.

(4) Articles the importation of which into the territory is subject to quantitative restriction may be imported by a consular officer or employee over and above any quota or other quantitative limit applicable at the same time and on the same conditions as would have entitled them, had they been liable for any taxes or duties imposed upon, or by reason of, importation, to exemption therefrom under the foregoing provisions of this article.

PART V

PROTECTION OF NATIONALS

Article 15

(1) A consular officer shall be entitled within his district to

(a) Interview, communicate with and advise any national of the sending state;

(b) Inquire into any incidents which have occurred affecting the interests of any such national;

(c) Assist any such national in proceedings before or in relations with the authorities of the territory, and, where necessary, arrange for legal assistance for him.

(2) For the purposes of the protection of the nationals of the sending State and their property and interests, a consular officer shall be entitled to apply to and correspond with the appropriate authorities within his district and the appropriate departments of the central government of the territory. He shall not, however, be entitled to correspond with or to make diplomatic claims to the Department of State or the Department of External

Affairs, as the case may be, except in the absence of any diplomatic representative of the sending State.

(3) A national of the sending State shall have the right at all times to communicate with the appropriate consular officer and, unless subject to lawful detention, to visit him at his consulate.

Article 16

(1) A consular officer shall be informed immediately by the appropriate authorities of the territory when any national of the sending State is confined in prison, is awaiting trial or is otherwise detained in custody within his district, unless such national shall request that such information not be given. A consular officer shall be permitted to visit without delay, to converse privately with and to arrange legal representation for, any national of the sending state who is so confined or detained. Any communication from such a national to the consular officer shall be forwarded without delay by the authorities of the territory.

(2) Where a national of the sending State has been convicted and is serving a sentence of imprisonment, the consular officer in whose district the sentence is being served shall, upon notification to the appropriate authority, have the right to visit him in prison. Any such visit shall be conducted in accordance with prison regulations, which shall permit reasonable access to and opportunity of conversing with such national. The consular officer shall also be allowed, subject to the prison regulations, to transmit communications between the prisoner and other persons.

PART VI

NOTARIAL ACTS AND OTHER SERVICES

Article 17

(1) A consular officer may, within his district

(a) Receive such declarations, grant such certificates, make such registrations and perform such other acts as may be required to be made under the nationality laws of the sending State;

(b) Issue such notices to, and receive such declarations from, a national of the sending State as may be required under the laws of the sending State with regard to compulsory national service;

(c) Register the birth or death of a national of the sending State and record a marriage celebrated under the law of the territory when at least one of the parties is a national of the sending State;

(d) Receive, draw up or execute any declaration, transfer, or other document prescribed by the law of the sending State in connection with the transfer to the register, or documentation, of the sending state of any vessel and its removal from the register, or documentation, and with the transfer of any vessel on the register, or documentation, from one owner to another, and with the registration, or documentation, of any mortgage or charge upon such a vessel;

(e) Issue passports and travel documents to a national of the sending State and grant visas and other appropriate documents to a person seeking entry into the sending State;

(f) Further the commercial, artistic, scientific, professional and educational interests of the sending State;

(g) Serve or cause to be served judicial documents or take evidence on behalf of courts of the sending State in a manner permitted under special arrangements on this subject between the High Contracting Parties or otherwise not inconsistent with the laws of the territory.

(2) It is understood that consular registration of a birth or death and the recording by a consul of a marriage celebrated under the law of the territory in no way exempts a private person from any obligation laid down in the law of the territory with regard to the notification and registration of births, deaths or marriages with the authorities of the territory.

(3) A consular officer may, within his district, draw up and receive declarations, and may legalise, authenticate, or certify signatures or documents, translate documents and perform other notarial acts in connection with documents in any case where these services are required by a person of any nationality for use in the sending State or under the law in force in the sending state. If under that law the administration of an oath or affirmation is required, the oath or affirmation may be administered. A consular officer may also perform these functions in connection with documents required by a national of the sending State for use elsewhere, but it is understood that this provision involves no obligation on the authorities of the receiving state to recognise the validity of notarial acts performed by a consular officer in connection with documents required under the law of the receiving State.

PART VII

ESTATES AND TRANSFER OF PROPERTY

Article 18

(1) In any case, where a deceased person leaves property in a territory and a legal or equitable interest in such property, such as that of an executor or beneficiary under a will or in case of intestacy, is held or claimed by a national of the sending State who is not resident in the territory and is not legally represented there, the consular officer in whose district the estate of the deceased person is being administered or, if no administration has been instituted, in which the property is situated, shall have the right to represent such national as regards his interests in the estate or property as if valid powers of attorney had been executed by him in favour of the consular officer. If subsequently such national becomes legally represented in the territory, the consular officer's position shall be as if he previously had from the national a power of attorney which ceased to be operative as from the date when the consular officer is informed that such person is otherwise legally represented.

(2) The provisions of paragraph (1) of this article apply whatever the nationality of the deceased person and irrespective of the place of his death.

(3) In any case, where a consular officer has a right of representation under paragraph (1) of this article, he shall have the right to take steps for the protection and preservation of the interests of the person whom he is entitled to represent. He shall also have the right to take possession of

the estate or the property unless another person, having superior interests, has taken the necessary steps to assume possession thereof. If under the laws of the territory a grant of representation or order of a court is necessary for the purpose of enabling the consular officer to protect or to take possession of the property, any grant or order which would have been made in favour of the person whose interests are represented by the consular officer, if that person had been present and applied for it, shall be made in favour of the consular officer on his application. On *prima facie* evidence of the necessity for the immediate protection and preservation of the estate and of the existence of persons with an interest which the consular officer has a right to represent, the court, if satisfied as to such necessity, shall make a grant or an order to the consular officer for the purpose of protecting and preserving the estate, unless another person with equal or prior rights makes the necessary application.

(4) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, the consular officer shall have the same right to full administration of the estate to the same extent as a person whose interest he represents would have had if he had been present. If by the law of the territory a grant by a court is necessary, the consular officer shall have the same right to apply for and to receive a grant on his application as the person he represents would have had if he had been present and applied for it.

(b) The court may, if it thinks fit, postpone the making of a grant to the consular officer for such time as it thinks necessary to enable the person represented by the consular officer to be informed and to decide whether he desires to be represented otherwise than by the consular officer.

(c) The court may, if it thinks fit, order the consular officer to furnish reasonable evidence of the receipt of the assets by those entitled by law to them or to repay or return those assets to the court in the event of his being unable to furnish such evidence, or it may order that, the consular officer having otherwise fully administered the estate, the actual transmission of the assets to those persons shall be effected through such other channels as it may direct.

(5) Where in the territory it is permitted to receive and distribute an estate of small value without first obtaining a grant of representation, a consular officer of the sending State shall be allowed, without obtaining such a grant, to receive and dispose of such an estate of a national of the sending State in accordance with the laws of the territory.

(6) If a consular officer exercises the rights referred to in the preceding paragraphs of this article with regard to an estate, he shall in that matter be subject to the law of the territory and to the jurisdiction of the courts of the territory in the same manner as a national of the receiving State.

(7) In any case where it is brought to the knowledge of the appropriate local authorities of the territory that

(a) There is an estate in the territory with regard to which the consular officer may have a right to represent interests under the preceding paragraphs of this article; or

(b) A national of the sending State has died in the territory and it appears that there is not present or represented in the territory any person, other than a public administrator or similar official, entitled to claim administration of any property which the deceased may have left there, the consular officer shall be informed to this effect.

Article 19

A consular officer may receive, for transmission to a national of the sending State who is not resident in the territory, from a court, agency, or person, money or property to which such national is entitled as a consequence of the death of any person. Such money or property may include, but is not limited to shares in an estate, payments made pursuant to workmen's compensation laws or any similar laws and the proceeds of life insurance policies. The court, agency or person making the distribution is not obliged to transmit such money or property through the consular officer, and the consular officer is not obliged to receive such money or property for transmission. If he does receive such money or property, he shall comply with any conditions laid down by such court, agency or person with regard to furnishing reasonable evidence of the receipt of the money or property by the national to whom it is to be transmitted and with regard to returning the money or property in the event that he is unable to furnish such evidence.

Article 20

Money or other property may be paid, delivered or transferred to a consular officer pursuant to the provisions of articles 18 and 19 only to the extent that, and subject to the conditions under which, payment, delivery or transfer to the person whom the consular officer represents or on whose behalf he receives the money or property would be permitted under the laws and regulations of the receiving State. The consular officer shall acquire no greater rights in respect of any such money or other property than the person whom he represents or on whose behalf he receives the money or property would have acquired if the money or property had been paid, delivered or transferred to such person directly.

PART VIII

SHIPPING

Article 21

(1) When a vessel of the sending State visits a port, which includes any place to which a vessel may come, in the receiving State, the master and the members of the crew of the vessel shall be permitted to communicate with the consular officer in whose district the port is situated and the consular officer shall be permitted freely to perform the duties enumerated in article 22 without interference on the part of the authorities of the territory. For the purpose of performing any of these duties, the consular officer, accompanied, if he desires, by consular employees on his staff, may proceed personally on board the vessel after she has received pratique. In connection with these duties the master and appropriate members of the crew may proceed to the consular office in the consular district within which the vessel lies, unless the receiving State shall, on its own initiative, object in cases involving unreasonable time or distance of travel.

(2) The consular officer may invoke the assistance of the authorities of the territory in any matter pertaining to the performance of these duties, and they shall give the requisite assistance unless they have special reasons which would fully warrant refusing it in a particular case.

Article 22

(1) The consular officer may question the master and members of the crew of a vessel referred to in article 21, examine the vessel's papers, take statements with regard to the vessel's voyage and her destination and generally facilitate the entry and departure of a vessel referred to in article 21. When Custom House brokers or shipping agents are available, the consular officer shall not undertake work normally within the scope of their activities.

(2) The consular officer or a consular employee may appear with the master or members of the crew of a vessel referred to in article 21 before the local authorities and courts, may lend his assistance, including, where necessary, arranging for legal aid, and may act as interpreter in matters between them and these authorities. These rights may be withheld only in cases where questions of national security are involved.

(3) The consular officer may, provided the judicial authorities of the territory do not take jurisdiction in accordance with the provisions of article 23, decide disputes between the master and members of the crew of a vessel referred to in article 21, including disputes as to pay and contracts of service, arrange for the engagement and discharge of the master and members of the crew, and take measures for the preservation of good order and discipline on the vessel.

(4) The consular officer may take measures for the enforcement of the shipping law of the sending State.

(5) The consular officer may, where necessary, make arrangements for the repatriation and the treatment in a hospital of the master or members of the crew of a vessel referred to in article 21.

Article 23

(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 concerning the internal management of a vessel referred to in article 21. The judicial authorities of the territory may, however, exercise any jurisdiction which they may possess under the law of the territory with regard to disputes as to wages and contracts of service between the master and members of the crew of a vessel referred to in article 21. The administrative and judicial authorities will not interfere with the detention in custody on a vessel referred to in article 21 of a seaman for disciplinary offences, provided such detention is lawful under the law of the sending State and is not accompanied by unjustifiable severity or inhumanity.

(2) Without prejudice to the right of the administrative and judicial authorities of the territory to take cognizance of crimes or offences committed on board a vessel referred to in article 21 when she is in the ports or in the territorial waters of the territory and which are cognizable under the local law or to enforce local laws applicable to vessels in ports and territorial waters or persons and property thereon, it is the common intention of the High Contracting Parties that the administrative and police 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 a vessel

referred to in article 21 unless for the preservation of peace and order or in the interests or public health or safety, or

- (b) Institute prosecutions in respect of crimes or offences committed on board a vessel referred to in article 21 unless they are of a serious character or involve the tranquillity of the port or unless they are committed by or against persons other than the crew.
- (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 inquiry on board a vessel referred to in article 21, 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 a consular employee on his staff 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, or to detention of a vessel referred to in article 21 or of any portion of her cargo arising out of civil or commercial proceedings in the courts of the territory.

Article 24

(1) A consular officer shall have the right, so far as the authorities of the receiving State are concerned, to inspect, at ports within his consular district, a vessel of any flag destined to a port of the sending State, in order to enable him to procure the necessary information to prepare and execute such documents as may be required by the law of the sending State as a condition of entry of such vessel into its ports, and to furnish to the competent authorities of the sending State such information with regard to sanitary or other matters as such authorities may require.

(2) In exercising the right conferred upon him by this article, the consular officer shall act with all possible despatch.

Article 25

(1) If a vessel of the sending State is wrecked in the receiving State, the consular officer in whose district the wreck occurs shall be informed as soon as possible by the appropriate authorities of the territory of the occurrence of the wreck.

(2) The appropriate authorities of the territory shall take all practicable measures for the preservation of the wrecked vessel, of the lives of persons on board, of the cargo and of other property on board, and for the prevention and suppression of plunder or disorder on the vessel. These measures shall also extend to articles belonging to the vessel or forming part of her cargo which have become separated from the vessel.

(3) If the vessel is wrecked within a port or constitutes a navigational hazard within the territorial waters of the receiving State, the authorities of the territory may also order any measures to be taken which they consider necessary with a view to avoiding any damage that might otherwise be caused by vessel to the port facilities or to other vessels.

(4) If the owner of the wrecked vessel, his agent, or the underwriters concerned, or the master are not in a position to make arrangements, the consular officer shall be deemed to be authorized to make, as agent for the owner, the same arrangements as the owner himself could have made, if he had been present, for the disposal of the vessel in accordance with the relevant provisions of the law of the territory.

(5) No customs duties, including other duties imposed upon, or by reason of, the importation of goods into the territory, shall be levied by the authorities of the territory on the cargo, stores, equipment and fittings, or articles, carried by or forming part of the wrecked vessel, unless they are delivered for use or consumption in the territory, but the authorities of the territory may, if they think fit, require security for the protection of the revenue in relation to such goods.

(6) No charge, other than customs duties, when they are applicable in accordance with paragraph (5) of this article, shall be levied by the authorities of the territory in connection with the wrecked vessel, any property on board, or her cargo, other than charges of the same kind and amount as would be levied in similar circumstances upon or in connection with vessels of the receiving State.

Article 26

Where any articles belonging to or forming part of a wrecked vessel of any flag, not being a vessel of the receiving State or belonging to or forming part of the cargo of any such vessel, are found on or near the coast of the receiving State or are brought into any port of that State, the consular officer in whose district the articles are found or brought into port shall be deemed to be authorized to make, as agent of the owner of the articles, such arrangements relating to the custody and disposal of the articles as the owner himself could have made, if,

- (a) In the case of articles belonging to or forming part of the vessel, the vessel is a vessel of the sending State or, in the case of cargo, the cargo is owned by nationals of the sending State; and
- (b) Neither the owner of the articles, nor his agent, the underwriter, or the master of the vessel is in a position to make these arrangements.

Article 27

(1) If the master or a member of the crew of a vessel of the receiving State, being a national of the sending State, dies afloat or ashore in any country, the competent department of the receiving State shall furnish promptly to a consular officer copies of the accounts which may be received by it with respect to the wages and effects of the deceased master or seaman, together with any particulars at the disposal of the department likely to facilitate the tracing of persons legally entitled to succeed to the property of the deceased.

(2) In every case where the value of wages and effects of the deceased master or seaman, together with any other property of his which comes into the control of the competent department, does not exceed £100 Irish currency where the competent department is an authority of the Republic of Ireland, or \$300.00 where the competent department is an authority

of the United States, and the competent department is satisfied that there is any person entitled to succeed to the property of the deceased, otherwise than as a creditor, and that this person is resident in the sending State, the competent department will hand over the wages, effects and property in its custody of the deceased master or seaman to a consular officer. However, the competent department will have the right, before handing over, to meet out of the master's or seaman's assets under its control any claim against his estate of any person resident elsewhere than in the sending State, which it considers to be legally due. Any claim against the estate of the deceased master or seaman, which is received by that department after handing over, shall be referred to the competent department of the sending State. In the case of the Republic of Ireland the competent department will be the Department of Industry and Commerce. In the case of the United States the competent department will be the Federal District Court for the port where the voyage on which the deceased master or seaman died is competent. It is understood that the Treasury Department, United States Coast Guard, will be prepared to receive and transmit to the appropriate court all correspondence relating to such claims.

(3) In any case where the competent department does not hand over to a consular officer the wages and effects and other property in its custody of a deceased master or seaman, when the conditions for this purpose stated in paragraph (2) of this article are fulfilled, the competent department shall, before delivering the assets to any person considered to be entitled to succeed to the property of the deceased, give notice to a consular officer of its intention, stating the person to whom it is proposed to deliver them, in order to give the consular officer a reasonable opportunity to furnish information which may be relevant for the final decision as to the person entitled to receive the property or to the existence of other claims on the estate of which the competent department may be unaware.

(4) The provisions of paragraphs (2) and (3) of this article do not apply where the competent department delivers assets in its custody to a person who has obtained a grant of representation from a court in the receiving state, but in this case it shall promptly inform the consular officer to this effect.

PART IX

FINAL PROVISIONS

Article 28

(1) The provisions of articles 15 to 27 relating to the functions which a consular officer may perform are not exhaustive. A consular officer shall be permitted to perform other functions, involving no conflict with the law of the receiving State, which are either in accordance with international law or practice relating to consular officers recognised in the receiving state or are acts to which no objection is taken by the receiving state. A consular officer may levy the fees prescribed by the sending State for the performance of consular services.

(2) It is understood that in any case where any article of this Convention gives a consular officer the right to perform any functions, it is for the sending state to determine to what extent its consular officers shall exercise such right.

(3) Without derogation to such rights and benefits as they have under international law, officers or employees with diplomatic status and diplomatic property shall be accorded rights, benefits and immunities no less favourable than those accorded under this Convention.

(4) The provisions of this Convention with regard to shipping shall apply *mutatis mutandis* to aviation except where inconsistent with aviation practice or the terms of any international agreement relating to aviation to which either of the High Contracting Parties is or may become a party.

Article 29

The provisions of article IV of the Treaty of Commerce and Navigation, signed at London on July 3, 1815, and the provisions of article III of the Convention relating to the Tenure and Disposition of Real and Personal Property, signed at Washington on March 2, 1899, are hereby superseded as regards relations between the High Contracting Parties in respect of the territories to which this Convention applies.

Article 30

(1) This Convention shall be ratified and the instruments of ratification thereof shall be exchanged at Washington. The Convention shall take effect on the thirtieth day after the date of exchange of the instruments of ratification and shall continue in force for the term of five years.

(2) Unless six months before the expiration of the aforesaid term of five years, either High Contracting Party shall have given notice to the other of the intention to terminate this Convention, the Convention shall continue in force after the aforesaid term and until six months from the date on which either High Contracting Party shall have given to the other notice of termination.

NOTE: Similar provisions may be found in the Convention concluded by the United Kingdom with Norway, 22 February 1951 (United Nations, *Treaty Series*, vol. 326, p. 210); Italy, 1 June 1954 (*ibid.*, vol. 403), and Greece, 17 April 1953 (*ibid.*, vol. 191, p. 180). These treaties have been ratified.

**25. Treaty¹ of Peace and Friendship between the Government of
India and the Government of Nepal, signed at Kathmandu,
on 31 July 1950²**

. . .

Article 4

The two Governments agree to appoint Consuls-General, Consuls, Vice-Consuls and other consular agents, who shall reside in towns, ports and other places in each other's territory as may be agreed to.

Consuls-General, Consuls, Vice-Consuls and consular agents shall be provided with exequaturs or other valid authorization of their appointment.

¹ United Nations, *Treaty Series*, vol. 94, p. 4.

² Came into force on 31 July 1950.

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.

...

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.

...

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

...

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.

...

PART III

LEGAL RIGHTS AND IMMUNITIES

...

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.

...

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.

...

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.

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 Convention¹ between the United Kingdom of Great Britain and Northern Ireland and the United Mexican States, signed at Mexico City, on 20 March 1954²

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

¹ United Nations, *Treaty Series*, vol. 331, p. 22.

² Came into force on 1 April 1955.

Political Constitution of the United Mexican States, including, where the context permits all moral persons duly constituted in conformity with the law of the United Mexican States;

(5) The term "vessel" of a High Contracting Party means, for the purpose of Part VII of the Convention, any ship or craft registered at a port in any of the territories of that High Contracting Party to which the Convention applies and for the purposes of the other parts of the Convention, the word "vessel" means any ship or craft (not being a ship of war) whether so registered or not;

(6) The term "consular officer" means any person who is granted an exequatur or other authorization (including a provisional authorization) to act in such capacity by the appropriate authorities of the territory; a consular officer may be a career officer or an honorary officer;

(7) The term "consular employee" means any person, not being a consular officer, employed at a consulate, provided that his name has been duly communicated in accordance with the provisions of article 6 of the Convention to the appropriate authorities of the territory; the term does not, however, include drivers or any person employed solely on domestic duties at or in the upkeep of the consular premises;

(8) 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;

(9) The term "grave offence" means, for the purposes of articles 14 and 19 (2) of the Convention,

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

(b) In the case of the United Mexican States, an offence for which, under the Penal Code for the Federal District and Territories, a maximum sentence of imprisonment of five years or over may be awarded.

PART III.—LEGAL RIGHTS AND IMMUNITIES

Article 9

(1) The sending State may, in accordance with such conditions as may be prescribed by the laws of the territory, acquire, hold or occupy, under any form of tenure other than full ownership which may exist under the laws of the territory, either in its own name or in the name of one or more natural or juridical persons acting on its behalf, land, buildings, parts of buildings and appurtenances situated in the territory and required by the sending State for the purposes of a consulate, or of a residence for a career consular officer or for other purposes, to which the receiving State does not object, arising out of the operation of the consular establishment of the sending State. If, under the laws of the territory, the permission of the authorities of the territory must be obtained as a prerequisite to any such acquisition, such permission shall be granted, provided that the necessary formalities have been complied with.

(2) The sending State shall have the right to erect, for any of the purposes

specified in paragraph (1) of this article, buildings and appurtenances on land which it has so acquired.

(3) It is understood that the sending State shall not be exempt from compliance with any building or town planning regulations or restrictions applicable to the area in which the land, buildings, parts of buildings and appurtenances referred to in paragraphs (1) and (2) of this article are situated.

...

Article 12

...

(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 his archives or other official papers or to give evidence relating to matters 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 consular officer in charge, it is possible to do so without prejudice to the interests of the sending State.

(6) A consular officer shall also be entitled to decline to give evidence as an expert witness with regard to the laws of the sending State.

Article 13

(1) A consular officer 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 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, and that the provisions of paragraph (5) of article 12 do not entitle a consular officer or employee to refuse to produce any document or to give evidence relating to such a contract.

(3) A consular officer or employee may be required to give evidence in either a civil or a criminal case, except as provided for in paragraphs (5) and (6) of article 12. The authority or court requiring his evidence shall take all reasonable steps to avoid interference with the performance of his official duties. In the case of a consular officer the authority or court shall, wherever permissible and possible, arrange for the taking of such evidence, orally or in writing, at his office or residence.

(4) All motor vehicles, vessels and aircraft owned by the sending State and used for the purposes of a consulate or for the purposes of a consular officer or employee, and likewise all motor vehicles, vessels and aircraft owned by a consular officer 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 liability as set out in paragraph (2) of this article, and the provisions of paragraph (5) of article 12 shall not entitle a consular officer or employee to refuse to produce any document or to give evidence in connexion with such an action.

(5) A consular officer and his wife and minor children residing with him shall be exempt from the requirement of the laws of the territory with regard to the registration of foreigners and permission to reside, and shall not be subject to deportation while the consular officer holds a valid exequatur or other authorization.

Article 14

(1) Except at the request or with the consent of the sending State a career consular officer shall not be subject in any territory of the receiving State to detention in custody pending trials, unless he is accused of a grave offence as defined in paragraph (9) of article 2 of this Convention.

(2) Without prejudice 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) and (6) of article 12 and paragraph (1) of article 13.

PART IV.— FINANCIAL PRIVILEGES

Article 15

No tax or other similar charge of any kind (national, State, provincial, municipal or other) shall, in the territory, be imposed on or collected from the sending State or any natural or judicial person acting on its behalf in respect of:

- (a) The ownership or occupation of land, buildings, parts of buildings or appurtenances used exclusively for any of the purposes specified in paragraph (1) of article 9 of this Convention, except taxes or other assessments levied for services or for local public improvements, to the extent that the said premises are benefited thereby;
- (b) Transactions or instruments relating to the acquisition of immovable property for any of the said purposes;
- (c) The ownership, possession or use of movable property for any of the said purposes.

Article 16

(1) (a) No tax or other similar charge of any kind shall be imposed or collected in the territory by the receiving State, or by any State, province, municipality, or other local subdivision thereof, in respect of fees or other similar charges received on behalf of the sending State in compensation for consular services, or in respect of any receipt given for the payment of such fees or other similar charges.

(b) The sending State or a consular officer or employee thereof shall be exempt in the territory from all taxes or other similar charges of any kind imposed or collected by the receiving State or by any State, province, municipality, or other local subdivision thereof, in respect of acts performed in the course of the officer's or employee's official functions. This exemption shall not apply to taxes or other similar charges in respect of which some other person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to the sending State or the consular officer or employee.

(2) No tax or other similar charge of any kind shall be imposed or collected

in the territory by the receiving State, or by any State, province, municipality or other local subdivision thereof, in respect of the official emoluments, salary, wages or allowances received as compensation for his consular services by a consular officer.

. . .
Article 17

(1) All furniture, equipment, supplies and other articles, including vehicles, vessels and aircraft, intended for official use in the territory in connexion with any of the purposes specified in paragraph (1) of article 9 shall be permitted entry into the territory, free of all taxes or duties imposed upon or by reason of importation.

(2) Baggage and effects and other articles, including vehicles, vessels and aircraft, imported into the territory by a consular officer or employee, provided, in either case, that he fulfils the conditions specified in paragraph (4) of article 16, exclusively for his personal use or the use of members of his family forming part of his household shall be exempt from all taxes or duties (national, State, provincial, municipal or other) imposed upon or by reason of importation, whether accompanying him to his consular post, either upon first arrival or upon subsequent arrivals, or subsequently consigned to him at his post and imported at any time while he is assigned to or employed at such post.

(3) It is however, understood that:

- (a) The receiving State may, as a condition to the granting of the exemption provided in this article, require that a notification of any importation or re-exportation be given in such manner as it may prescribe and in addition may require that such articles should be submitted to customs examination;
- (b) The exemption provided in this article, being in respect of articles imported for official or personal use only does not extend to, *inter alia*, articles imported as an accommodation to others or for sale or for other commercial purposes. However, articles imported as samples of commercial products solely for display within a consulate and subsequently re-exported or destroyed shall not be regarded as excluded from the exemption provided in this article;
- (c) The receiving State may determine that the exemption provided in this article does not apply in respect of articles grown, produced or manufactured in the territory which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation.
- (d) Nothing herein shall be construed so as to permit the entry into the territory of any article the importation of which is specifically prohibited by law.

. . .
PART VII.— SHIPPING

Article 28

(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 the appropriate consular officer of the sending State, 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 owner thereof or his agent 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:

- (i) Who is a national of the receiving State; or
- (ii) In whose case there is reasonable ground 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) If the deserter shall be accused of an offence (other than the desertion) which is cognizable under the law of the territory, or if he shall have been convicted of such an offence, the authorities of the territory shall not be obliged to order him to be conveyed on board the vessel or delivered to the master or owner thereof or his agent to be so conveyed, until he has been tried and has undergone any punishment which may have been awarded to him.

Article 29

(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, however, may exercise jurisdiction, in conformity with the law of the territory, with regard to disputes as to wages and contracts of service between the master and members of the crew, provided that a national of the receiving State is a party to the proceedings. 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 law 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 a consular officer,

- (a) Concern themselves with any matter taking place on board the vessel unless 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, immigration 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) They constitute grave offences as defined in article (2) (9) of this Convention.

(3) If, for the purpose of the exercise of the rights referred to in para-

graph (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 a consular employee on his staff 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 shall not, however, apply to routine examinations by the authorities of the territory with regard to customs, health and the admission of foreigners or 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.

FIRST AGREED MINUTE

It is understood with reference to the Convention that the right of consular personnel to import or possess vessels, as defined in article 2 (5), and aircraft, is subject in all instances to the specific consent of the receiving State and that the receiving State, while taking fully into account the official or personal requirements of the consular post or individual concerned, retains discretion in any particular case to withhold such consent.

For Her Majesty:

John W. TAYLOR

SECOND AGREED MINUTE

It is noted that, in respect of the territories referred to in article 1 (1) of the Convention, the judicial authorities possess jurisdiction over disputes regarding seamen's wages and contracts of service occurring on board foreign vessels in internal or territorial waters but that they are prepared, on the intervention of the competent consular officer of the Flag State, to refrain from exercising such jurisdiction.

It is, therefore, agreed that, if, in cases to which British nationals as defined in article 2 (4) (a) are not parties, the Government of the United Mexican States should wish, in conformity with the provisions of paragraph (1) of article 29, to withdraw such disputes from local jurisdiction, the competent Mexican consular officer will accordingly be instructed to request the court concerned not to proceed with the hearing of the case.

For Her Majesty:

John W. TAYLOR

FIRST PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date on behalf of Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories, Head of the Commonwealth, in respect of the United Kingdom of Great Britain and Northern Ireland, and of The President of the United Mexican States, in respect of the United Mexican States, 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 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 (including honorary consular officers) and consular employees concerned of the former State who are nationals of the former State and are not nationals of the latter State, provided that their name 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 personal effects and furniture, 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 affixed thereto their seals.

DONE, in duplicate, at Mexico City, this twentieth day of March of nineteen hundred and fifty-four, in the English and Spanish languages, both texts being equally authoritative.

For Her Majesty:

[L.S.] John W. TAYLOR

SECOND PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date on behalf of Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, in respect of the United Kingdom of Great Britain and Northern Ireland, and of The President of the United Mexican States, in respect of the United Mexican States, the undersigned, being duly authorised thereto, declare as follows:

The High Contracting Parties have agreed that the provisions of article 14 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 this Protocol and affixed thereto their seals.

DONE, in duplicate, at Mexico City, this twentieth day of March of nineteen hundred and fifty-four, in the English and Spanish languages, both texts being equally authoritative.

For Her Majesty:

[L.S.] John W. TAYLOR

EXCHANGE OF NOTES OF 20 MARCH 1954

I

*Her Majesty's Ambassador at Mexico City to the Mexican Acting Secretary of State
for Foreign Affairs*

BRITISH EMBASSY

MÉXICO, D. F.

March 20, 1954

Your Excellency,

I have the honour, upon the instructions of Her Majesty's Government in the United Kingdom, to address the following communication to your Excellency, in connexion with paragraphs (2), (3) and (5) of article 13 of the Consular Convention of this day's date between our two countries.

2. It is the understanding of Her Majesty's Government that the expressions "civil action" in paragraph (2) and "civil . . . case" in paragraph (3) of article 13 are intended to include, in respect of the United Mexican States, proceeding before contentious, administrative and labour tribunals as well as before the ordinary civil courts.

3. With regard to paragraph (5) of the same article, it is the intention of Her Majesty's Government, subject to a reciprocal undertaking on the part of the Mexican Government, to treat the provisions of the paragraph as applying to the adult unmarried daughters, as well as to the minor children, of Consular Officers, on the understanding that their names will be communicated to the appropriate authorities of the receiving State and that they will reside with their parents and not engage in gainful occupation in the territory.

4. I shall be grateful if Your Excellency will be so good as to let me know whether the foregoing interpretation of the expressions referred to in paragraph 2 above is in accordance with the views of the Mexican Government and to confirm that the intentions of that Government, in respect of the matter referred to in paragraph 3 above, are similar to those of Her Majesty's Government.

I avail, etc.

John W. TAYLOR

II

*The Mexican Acting Secretary of State for Foreign Affairs to Her Majesty's
Ambassador at Mexico City*

México, D. F., March 20, 1954

Sir,

With reference to the Consular Convention of to-day's date between our two countries, I have the honour to acknowledge receipt of Your Excellency's Note of to-day's date, of which the second paragraph reads as follows:

[See paragraphs 2 and 3 of note I]

I have the honour to inform Your Excellency that this interpretation is in conformity with the views of my Government.

I also confirm to Your Excellency that the intentions of the Mexican Government with regard to the matter mentioned in the third paragraph of Your Excellency's Note under reference are similar to those of Her Majesty's Government.

I avail, etc.

José GOROSTIZA

III

Her Majesty's Ambassador at Mexico City to the Mexican Acting Secretary of State for Foreign Affairs

BRITISH EMBASSY

MÉXICO, D. F.

March 20, 1954

Your Excellency,

With reference to the Consular Convention, signed today, I have the honour, upon instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, to inform Your Excellency that Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are prepared, upon the entry into force of the Convention and subject to a reciprocal undertaking on the part of the Government of the United Mexican States, to accord treatment, as set out in paragraphs 2 to 5 below inclusive, to civil servants employed otherwise than in a diplomatic or consular capacity by that Government in any British territory, to which the Convention applies, provided that their official employment does not relate to the conduct of any trade, business or undertaking carried on for the purpose of profit and provided also that, in all cases, they are not British nationals as defined in sub-paragraph (a) of paragraph (4) of article 2 of the Convention.

2. Her Majesty's Government will apply the provisions of paragraph (2) of article 17 of the Convention, subject to the modifications set out in subparagraphs (a), (b), (c) and (d) of paragraph (3) of the same Article, to any such civil servant who fulfils the conditions specified in paragraph 3 of the present Note on the understanding that, in addition, this exemption :

- (a) Shall apply only in respect of the personal and household effects which accompany the civil servant on his first arrival in the British territory concerned in order to take up his official appointment or which are imported separately shortly before or not later than three months after the date of his first arrival;
- (b) Shall apply to the importation of one motor vehicle, which vehicle shall have been in the ownership and use of the civil servant abroad prior to his arrival in the territory and shall also be imported not later than three months after his arrival; the owner of the vehicle may be required to enter into an undertaking that it will not be disposed of in the territory, but will be re-exported on the termination of his tour of duty or earlier.

3. The conditions referred to in paragraph 2 of the present Note are that a civil servant shall :

- (a) Not be engaged in any occupation for gain in the British territory in which he is stationed other than his official employment;
- (b) Be a permanent employee of the Government of the United Mexican States or, if not a permanent employee of that Government, shall not have been ordinarily resident in the British territory concerned at the date of the commencement of his employment.

4. Her Majesty's Government will also apply the provisions of subparagraph (b) of paragraph (1) and paragraph (2) of article 16 of the Convention to the civil servants in question.

5. Her Majesty's Government will, in addition, apply the provisions of article 15 of the Convention to premises owned or held in the name of the Government of the United Mexican States and used exclusively for the purpose of the official employment of the civil servants in question and to movable property owned or possessed by that Government and used in connexion with the conduct of the official employment of the said civil servants.

6. In conclusion, I have the honour to confirm that Her Majesty's Government are ready to accept the proposal put forward in this connexion during the discussions preceding the signature of the Consular Convention, namely, that if either of the two Governments subsequently decide to modify their present policy in regard to the matters dealt with in this Note, they will notify the other Government accordingly and will continue to accord to the civil servants concerned of that Government treatment not less favourable than that contemplated above for a period of at least six months after the date of such notification, and to state that, provided the said proposal is similarly acceptable to the Government of the United Mexican States, Her Majesty's Government will act accordingly.

7. I shall be grateful if Your Excellency will confirm that the Government of the United Mexican States will accord corresponding treatment upon the entry into force of the Convention to civil servants employed by Her Majesty's Government in Mexican territory otherwise than in a diplomatic or consular capacity.

I avail, etc.

John W. TAYLOR

IV

*The Mexican Acting Secretary of State for Foreign Affairs to Her Majesty's
Ambassador at Mexico City*

México, D. F., March 20, 1954

Sir,

I have the honour to refer to Your Excellency's Note of today's date, the text of which reads as follows :

[See Note III]

In reply I have the honour to inform Your Excellency that the Mexican Government agrees with the contents of the above-mentioned Note and I have pleasure in assuring you that the Mexican Government will give

the same treatment to British Civil Servants within the terms of the Note cited above.

The Government of the United Mexican States likewise agrees with the proposal made in the sixth paragraph of Your Excellency's Note under reference, namely that if either of the two Governments should subsequently decide to modify its present policy in regard to the matters dealt with in the present Note, that Government will be required to make to the other Government the stipulated notification, and action will be taken accordingly. I avail, etc.

José GOROSTIZA

EXCHANGES OF NOTES OF 30 MARCH 1955

I

Her Majesty's Ambassador at Mexico City to the Mexican Minister for Foreign Affairs

BRITISH EMBASSY

México City, March 30, 1955

Monsieur le Ministre,

I have the honour to refer to paragraph (3) of article 2 and article 37, of the Consular Convention between our two countries which was signed on the 20th of March, 1954, and which will enter into operation on the 1st of April, 1955.

2. Paragraph (3) of article 2 of the Convention reads as follows :

“ 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 ”,

and article 37 reads as follows :

“ (1) Each High Contracting Party shall, before the entry into force of this Convention, inform the other by notification in writing through the diplomatic channel 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.

“ (2) Either High Contracting Party may, by a further notification or notifications in writing, inform the other of his decision to modify the arrangements previously notified and each such notification shall take effect six months after the date of its receipt by the latter High Contracting Party.”

3. In respect of the territories referred to at paragraph (1) of article 1 of the Convention, I now have the honour, upon instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, to notify Your Excellency, for the information of the Mexican Government, that, for the purposes of the Convention, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man are together to be regarded as a single territory and that all other territories for whose

international relations Her Majesty's Government in the United Kingdom are responsible are each to be regarded as a separate territory, provided that, for the purposes of article 16, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man are each to be regarded as a separate territory and that, for the purposes of article 23, England and Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man are each to be regarded as a separate territory.

I avail, etc.

W. J. SULLIVAN

II

The Mexican Minister for Foreign Affairs to Her Majesty's Ambassador at Mexico City

México, D. F., March 30, 1955

Sir,

I have pleasure in acknowledging receipt of the Note of to-day's date, which Your Excellency was good enough to address to me.

I have taken due note that, for the purposes of the Consular Convention signed between México and Great Britain on the 20th of March, 1954, which will enter into force on the 1st of April next, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man, are to be considered together as a single territory, and that all other territories for whose international relations the British Government are responsible are each to be regarded as a separate territory.

I have likewise taken note that, for the purposes of article 16 of the Convention, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man are to be considered each as a separate territory, and that for the purposes of article 23 England and Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man are to be considered each as a separate territory.

I thank Your Excellency for conveying this information to me.

I avail, etc.

L. P. N.

(Luis Padilla Nervo)

III

The Mexican Minister for Foreign Affairs to Her Majesty's Ambassador at Mexico City

México, D. F., March 30, 1955

Sir,

I have pleasure in referring to the Consular Convention signed between the United Mexican States and the United Kingdom of Great Britain and Northern Ireland on the 20th of March, 1954, which will enter into force on the 1st of April next.

As Your Excellency will recall, paragraph (3) of article 2 of the said Convention is drawn up in the following terms :

“(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”;

Article 37 of the aforementioned Consular Convention provides as follows :

“Article 37. (1) Each High Contracting Party shall, before the entry into force of this Convention, inform the other by notification in writing through the diplomatic channel 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.

“(2) Either High Contracting Party may, by a further notification or notifications in writing, inform the other of his decision to modify the arrangements previously notified and each such notification shall take effect six months after the date of its receipt by the latter High Contracting Party”.

In accordance with these provisions I have the honour to notify Your Excellency, for the information of your Government, that the integral parts of the United Mexican States as set forth in paragraph (2) of article 1 are to be considered as a single territory.

I avail, etc.

L. P. N.
(Luis Padilla Nervo)

IV

Her Majesty’s Ambassador at Mexico City to the Mexican Minister for Foreign Affairs

BRITISH EMBASSY

México City, March 30, 1955

Monsieur le Ministre,

I have the honour to acknowledge receipt of Your Excellency’s Note of to-day’s date, in which you were good enough to notify me, in accordance with article 37 of the Consular Convention between our two countries, which was signed on the 20th of March, 1954, and will come into force on the 1st of April, 1955, that for the purposes of the Convention the territories referred to at paragraph (2) of article 1 thereof are to be regarded as a single territory.

I avail, etc.

W. J. Sullivan

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

30. Convention consulaire¹ entre la France et la Suède, signée à Paris, le 5 mars 1955²

TITRE 1^{er}

APPLICATIONS ET DÉFINITIONS

Article 1

La présente convention s'applique, en ce qui concerne l'Union française, à la République française, aux autres territoires de l'Union française, à l'exception des Etats associés d'Indochine, et aux Etats ou territoires dont la France assume la responsabilité des relations internationales.

En ce qui concerne les territoires de Sa Majesté le Roi de Suède, au Royaume de Suède.

Article 1

Aux termes de la présente Convention, il faut entendre :

Par Etat d'envoi, la Haute Partie contractante qui nomme le consul;

Par Etat de résidence, la Haute Partie contractante sur le territoire de laquelle le consul exerce ses fonctions;

Par consul de carrière, tout ressortissant de l'Etat d'envoi, nommé par ce dernier pour exercer exclusivement, à titre de fonctionnaire rétribué de cet Etat et en qualité de consul général, consul, vice-consul, la défense des intérêts de ses ressortissants dans les territoires de l'Etat de résidence;

Par consul honoraire, toute personne qui, ressortissante d'un Etat quelconque, est nommée, suivant la réglementation de l'Etat d'envoi, pour exercer, sur le territoire de l'Etat de résidence, les fonctions de consul général, consul ou vice-consul, tout en pouvant exercer une activité lucrative;

Par agent consulaire, toute personne qui, ressortissante d'un Etat quelconque, est déléguée par un consul de carrière chef de poste pour assurer certaines fonctions consulaires tout en pouvant exercer une activité lucrative;

Par employé consulaire, toute personne qui, ressortissante d'un Etat quelconque, remplit une tâche consulaire subalterne sans avoir d'autre activité professionnelle ou lucrative;

Les chauffeurs et le personnel chargé uniquement de l'entretien des locaux ou d'autres tâches domestiques ne pourront, toutefois, être considérés comme employés consulaires;

Par poste consulaire, tout établissement consulaire, qu'il s'agisse d'un consulat général, d'un consulat, d'un vice-consulat ou d'une agence consulaire.

TITRE II

ADMISSION DES CONSULS ET CIRCONSCRIPTIONS CONSULAIRES

Article 3

Chacune des Hautes Parties contractantes a la faculté d'établir des consulats généraux, consulats, vice-consulats et agences consulaires dans

¹ *Revue générale de droit international public*, vol. LXII, p. 338.

² L'échange des instruments de ratification a eu lieu à Stockholm le 13 août 1957.

les villes, ports ou localités 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, ainsi que les zones ou quartiers où elles ne souhaitent pas voir s'installer les bureaux ou les résidences consulaires.

Le siège et la délimitation de chaque circonscription consulaire sont déterminés d'un commun accord par les Hautes Parties contractantes. L'Etat de résidence peut s'opposer à l'ouverture d'un poste consulaire dans une localité où il n'en existe pas encore.

L'Etat de résidence peut demander le déplacement du siège ou la fermeture d'un poste consulaire. Cette demande doit être motivée.

Article 4

Les consuls, chefs de postes, sont admis et reconnus par le Gouvernement de l'Etat de résidence selon les règles et formalités établies dans cet Etat sur la présentation de leur commission consulaire. L'exequatur qui indique leur circonscription leur est délivré sans retard et sans frais.

Le Gouvernement de l'Etat de résidence informe immédiatement de la nomination des chefs de poste consulaire les autorités supérieures de la circonscription à la tête de laquelle ils sont placés. Ces autorités doivent, sur cet avis et sur présentation de l'exequatur, prendre sans délai toutes mesures utiles pour que lesdits consuls, puissent s'acquitter des devoirs de leur charge et jouir des droits, pouvoirs, prérogatives et immunités qui leur sont reconnus dans la présente convention.

L'exequatur ne peut être refusé ou retiré que pour des motifs graves.

En ce qui concerne les autres consuls, l'Etat de résidence les admettra à l'exercice de leurs fonctions du fait de leur nomination et sous réserve d'une notification. Leur rappel ne peut être demandé que pour des motifs graves.

Article 5

L'Etat d'envoi pourra, avec l'autorisation de l'Etat de résidence, affecter à des fonctions consulaires un ou plusieurs membres de la mission diplomatique qu'il a accréditée auprès de cet Etat. Dans ce cas, les dispositions de l'article 4 s'appliqueront à leur affectation consulaire. Ces fonctionnaires auront droit, en leur qualité consulaire et en ce qui concerne l'exercice de leurs fonctions consulaires, aux avantages prévus par la présente convention et seront soumis aux obligations qui en résultent, réserve faite de tout privilège personnel supplémentaire auquel ils pourront avoir droit si leur qualité d'agent diplomatique est également reconnue par l'Etat de résidence.

Article 6

Les consuls ou employés consulaires peuvent exercer temporairement, en qualité d'intérimaire, les fonctions d'un consul chef de poste décédé ou empêché pour cause de maladie ou d'absence ou pour tout autre motif. Ces intérimaires peuvent, moyennant notification aux autorités locales, exercer leurs fonctions et bénéficier des dispositions de la présente convention en attendant la reprise de fonction du titulaire, ou la désignation d'un nouveau consul.

Article 7

Les consuls de carrière, chefs de poste, peuvent nommer des agents

consulaires dans les villes, ports et localités de leur circonscription, sous réserve de l'approbation du Gouvernement de l'Etat de résidence.

Les agents consulaires doivent être munis d'un brevet délivré à cet effet par le consul qui les a nommés et sous les ordres duquel ils sont placés.

Article 8

Les consuls, chefs de poste, font connaître aux autorités de l'Etat de résidence les nom et adresse de leurs employés consulaires dans les conditions prévues par les règlements dudit Etat.

TITRE III

IMMUNITÉS ET PRIVILÈGES

Article 9

L'Etat d'envoi peut acquérir et posséder sur le territoire de l'Etat de résidence, en conformité avec les lois et règlements de ce dernier, tout immeuble nécessaire à l'établissement d'un poste consulaire ou à la résidence officielle d'un consul de carrière.

L'Etat d'envoi a le droit de faire construire sur les terrains lui appartenant les bâtiments et dépendances nécessaires aux fins indiquées ci-dessus, sous réserve de se conformer aux règlements sur les constructions ou l'urbanisme applicables à la zone dans laquelle ces terrains sont situés.

Les bâtiments ou locaux affectés aux bureaux du consulat et à la résidence d'un consul de carrière, qui sont propriété de l'Etat d'envoi, sont exemptés des impôts et taxes établis dans l'Etat de résidence qui frappent ces immeubles ou leur revenu. L'acquisition desdits immeubles à titre onéreux ou gratuit ne donne lieu à aucune perception au profit de ce dernier Etat. Les exonérations ainsi prévues ne s'étendent pas aux taxes acquittées en rémunération des services rendus ou en contrepartie d'améliorations publiques locales.

Article 10

Aucun impôt ou taxe similaire ne sera perçu dans le territoire de l'Etat de résidence à l'encontre de l'Etat d'envoi à raison de l'occupation des bâtiments ou locaux affectés aux bureaux du consulat et à la résidence d'un consul de carrière, à l'exception des taxes perçues en rémunération des services rendus ou en contrepartie d'améliorations publiques locales.

Article 11

Les consuls, chefs de poste, et les agents consulaires peuvent placer sur la clôture extérieure de l'immeuble consulaire, un écusson aux armes de l'Etat d'envoi, portant une inscription appropriée, désignant, dans la langue nationale de ce dernier, le consulat ou l'agence consulaire.

Ils peuvent également, aux jours de solennité publique et dans les circonstances d'usage, arborer le drapeau de l'Etat d'envoi sur l'édifice consulaire.

Les consuls chefs de poste peuvent, en outre, dans l'exercice de leurs fonctions, arborer le pavillon de l'Etat d'envoi sur les voitures, navires et aéronefs qu'ils utilisent.

Chacune des Hautes Parties contractantes assure le respect et la protection des drapeaux, écussons et pavillons consulaires.

Article 12

Conformément aux principes reconnus du droit international, les archives et tous autres documents ou registres consulaires sont en tout temps inviolables et les autorités de l'Etat de résidence ne peuvent, sous aucun prétexte, les examiner ni les saisir.

Les archives, documents ou registres consulaires sont tenus dans les locaux qui leur sont spécialement affectés et qui doivent être parfaitement distincts des pièces servant à l'habitation personnelle des consuls, agents consulaires ou employés consulaires. Ces archives, documents et registres doivent, en outre, être tenus séparés des livres ou papiers ayant un autre objet.

Les consuls de carrière pourront communiquer et correspondre par poste, télégraphe, téléphone et autres services publics, même en langage secret, avec leur Gouvernement ou avec la mission diplomatique dont ils relèvent et envoyer et recevoir cette correspondance officielle par sacs ou autres colis scellés. Cette correspondance est inviolable.

Les consuls honoraires et les agents consulaires peuvent communiquer ou correspondre librement avec les autorités dont ils relèvent.

Article 13

Les locaux d'un poste consulaire ne peuvent être visités par la police ou d'autres autorités de l'Etat de résidence qu'avec le consentement du chef de poste.

A défaut de ce consentement, ils ne pourront être visités qu'en exécution d'un mandat ou d'une décision judiciaire et avec l'autorisation du ministre des Affaires étrangères de l'Etat de résidence.

Toutefois, la police ou les autorités de l'Etat de résidence pourront pénétrer sans formalité dans les locaux consulaires en cas d'incendie ou de sinistre grave et lorsqu'un crime ou un délit se commet ou vient de se commettre dans lesdits locaux. Il en sera de même lorsqu'un fugitif recherché par la justice vient de pénétrer dans les locaux pour échapper aux autorités de police; dans ce dernier cas, l'action de la police devra se limiter à l'arrestation dudit fugitif. L'autorité consulaire ne pourra s'opposer à cette action, à moins qu'elle n'expulse elle-même l'individu recherché.

Les dispositions du présent article ne peuvent être interprétées comme la reconnaissance d'un droit d'asile.

Article 14

Les consuls, agents et employés consulaires ressortissants de l'Etat d'envoi sont exempts de toute réquisition personnelle et mobilière.

Les locaux des postes consulaires, la résidence des consuls, agents et employés consulaires ressortissants de l'Etat d'envoi, ainsi que les biens mobiliers qui s'y trouvent, sont exempts de toute réquisition, contribution ou logement militaire.

Article 15

Les consuls, agents et employés consulaires, quelle que soit leur nationalité, ne sont pas justiciables des autorités judiciaires et administratives de l'Etat de résidence en ce qui concerne les actes de leurs fonctions, conformément aux règles du droit international.

Article 16

Les consuls de carrière bénéficient d'une immunité personnelle les exemptant d'arrestation, sauf le cas de flagrant délit; ils ne peuvent faire l'objet d'une mesure de détention préventive, à moins qu'ils ne soient inculpés d'une infraction de droit commun passible d'une peine d'au moins quatre ans d'emprisonnement d'après la législation de l'Etat de résidence.

En cas d'arrestation d'un consul ou de poursuites engagées contre lui, l'Etat de résidence en informe immédiatement la Mission diplomatique dont il relève.

Article 17

Les consuls, agents et employés consulaires ne peuvent être contraints de témoigner devant les tribunaux de l'Etat de résidence au sujet des actes relatifs à leur fonctions consulaires ni d'exhiber des documents d'archives ou d'autres documents consulaires.

Si le consul de carrière estime que le témoignage qui lui est demandé peut avoir une relation avec ses fonctions officielles, il sera autorisé à consulter son Gouvernement et un délai lui sera accordé à cet effet.

Dans tous les cas, quand il s'agira de procès civils, la déposition des consuls de carrière pourra être recueillie verbalement ou par écrit à leur résidence ou à leur bureau.

Article 18

Les consuls de carrière, leur conjoint et leurs enfants mineurs résidant avec eux, sont dispensés de se conformer aux dispositions de la législation de l'Etat de résidence concernant les permis de séjour, l'enregistrement et le contrôle des étrangers. Ils ne pourront être passibles d'expulsion.

Les consuls honoraires, les agents consulaires et les employés consulaires étrangers à l'Etat de résidence sont soumis à cette législation; l'accomplissement des formalités auxquelles ils peuvent être astreints en leur qualité d'étrangers leur est facilité.

Article 19

Les privilèges fiscaux et franchises douanières déterminés par les articles 20 à 22 ci-après sont accordés aux consuls, agents consulaires et employés consulaires de chacune des Hautes Parties contractantes, sous réserve de l'application effective du principe de réciprocité.

Article 20

Les consuls de carrière et les employés consulaires servant sous les ordres d'un consul de carrière et ressortissants de l'Etat d'envoi sont exempts des contributions directes et taxes assimilées à caractère personnel appliquées dans le territoire de leur résidence.

Cette exemption ne s'applique pas:

Aux impôts établis sur la propriété immobilière;

Aux impôts se rapportant aux résidences secondaires des intéressés et aux éléments imposables qui en dépendent;

Aux impôts sur les revenus provenant de sources situées dans l'Etat de résidence;

Aux impôts établis et perçus soit sur un capital placé dans une entreprise

industrielle ou commerciale dans le territoire de l'Etat de résidence, soit sur un gain résultant de la liquidation d'un tel placement ou de la vente d'un immeuble situé sur le territoire de l'Etat de résidence;

Aux taxes ayant le caractère de rémunération d'un service rendu ou établies en contrepartie d'améliorations publiques locales:

Les consuls de carrière et les employés consulaires visés au premier alinéa sont exemptés également des redevances afférentes à la propriété ou à l'usage de véhicules, bateaux de plaisance, aéronefs, appareils récepteurs radiophoniques ou de télévision.

Les consuls, agents et employés consulaires ne bénéficient d'aucune exonération en ce qui concerne les impôts et taxes sur les transactions de biens mobiliers ou immobiliers.

Article 21

Les consuls, agents consulaires et employés consulaires, ressortissants de l'Etat d'envoi, sont exemptés des droits de douane ou autres taxes d'importation sur le mobilier à usage personnel ou familial qu'ils importent à l'occasion de leur premier établissement dans l'Etat de résidence.

Les véhicules à moteur, bateaux de plaisance et aéronefs importés par les consuls de carrière, pour leur usage personnel ou celui de leur famille, sont admis en franchise temporaire des droits et taxes d'importation pour la durée des fonctions des intéressés.

Les véhicules à moteur, navires et aéronefs, appartenant à l'Etat d'envoi et utilisés par ses consulats, consuls, agents consulaires ou employés consulaires, ainsi que les véhicules, navires et aéronefs appartenant à ses consuls, agents consulaires ou employés consulaires seront, dans la mesure requise par les lois de l'Etat de résidence, assurés pour couvrir les risques de responsabilité civile.

Article 22

Sont exonérés de tous droits et taxes d'importation, les écussons, pavillons, emblèmes distinctifs de nationalité, sceaux, livres, archives et documents officiels, fournitures de bureau ainsi que les meubles de bureau, armoires métalliques, coffres-forts, machines à écrire et à calculer, postes récepteurs radiophoniques ou de télévision ou autres objets analogues adressés par les Hautes Parties contractantes à leurs postes consulaires respectifs pour leur usage officiel.

Article 23

Les consuls ont droit, en leur qualité d'agent officiel de l'Etat d'envoi, à une protection spéciale et à des égards particuliers de la part de tous les fonctionnaires de l'Etat de résidence avec lesquels ils entretiendront des relations officielles.

TITRE IV

ATTRIBUTIONS CONSULAIRES

Article 24

Conformément aux principes et aux usages internationaux, les consuls et agents consulaires protègent et défendent tous les droits et intérêts des ressortissants de l'Etat d'envoi.

Ils ont qualité, à cet effet, pour s'adresser aux autorités compétentes de leur circonscription et, en l'absence de tout représentant diplomatique de l'Etat d'envoi, au Gouvernement de l'Etat de résidence.

Article 25

Les consuls et agents consulaires peuvent communiquer avec les ressortissants de l'Etat d'envoi, les conseiller et les assister dans leurs démarches, instances ou procédures auprès des autorités territoriales.

Ils peuvent leur assurer, s'il y a lieu, l'assistance d'un homme de loi ou d'un interprète.

Article 26

Les consuls et agents consulaires seront informés, sur leur demande, par les autorités compétentes de l'identité de leurs ressortissants détenus dans leur circonscription, sauf si les intéressés s'y opposent.

Les autorités compétentes informent immédiatement les consuls et agents consulaires de l'arrestation ou de la détention, dans leur circonscription, de tout ressortissant de l'Etat d'envoi qui en fait la demande. Le consul peut alors être autorisé à visiter ces ressortissants conformément aux règlements de l'établissement de détention et à s'entretenir avec eux en vue de prendre toute disposition pour leur défense en justice. Toute communication destinée au consul par ce ressortissant lui est transmise par les soins de l'autorité compétente.

Lorsque le ressortissant purge, après condamnation, une peine privative de liberté, le consul dans la circonscription duquel il est détenu a le droit de le visiter moyennant autorisation de l'autorité compétente. Toute visite de ce genre doit permettre au consul ou à son délégué de s'entretenir avec le prisonnier, conformément aux règlements des prisons.

Article 27

Les consuls et agents consulaires compétents en vertu des lois et instructions de l'Etat d'envoi peuvent :

1. Dresser ou transcrire les actes d'état civil concernant leurs ressortissants;
2. Recevoir, les consuls français en la forme notariée, les consuls suédois en la forme prévue par la législation suédoise, tous actes et contrats, quelle que soit la nationalité des Parties, lorsqu'ils concernent des biens situés ou des affaires à traiter sur le territoire de l'Etat d'envoi ou dans un pays tiers, ou lorsqu'ils sont destinés à produire des effets juridiques dans l'Etat d'envoi ou dans un Etat tiers.

Dans le cas où un doute s'élèverait sur l'authenticité d'une expédition, copie ou extrait desdits actes, tout intéressé peut en demander la confrontation avec l'original et assister au collationnement s'il le juge convenable.

Article 28

Les consuls ou agents consulaires compétents peuvent :

1. Immatriculer les ressortissants de l'Etat d'envoi;
2. Délivrer à ces ressortissants des passeports, laissez-passer ou autres documents personnels;
3. Viser les passeports ou titres de voyage de toute personne qui désire se rendre dans les territoires de l'Etat d'envoi;

4. Procéder aux opérations de recensement militaire des ressortissants de l'Etat d'envoi;

5. Recevoir toutes déclarations ou dresser tous actes, légaliser ou certifier des signatures, viser, certifier ou traduire des documents, lorsque ces actes et formalités sont exigés par les lois ou instructions de l'Etat d'envoi;

6. Traduire et légaliser toute espèce de document émanant des autorités ou fonctionnaires de l'Etat d'envoi; ces traductions ont, dans l'Etat de résidence, la même force et valeur que si elles avaient été faites par les traducteurs assermentés du pays.

Article 29

Pour l'application des dispositions des deux articles précédents, l'Etat de résidence doit désigner l'autorité qualifiée pour authentifier à l'égard de ses autres autorités les signatures des consuls ou agents consulaires. Ces signatures doivent être déposées auprès de ladite autorité.

Cette même autorité a qualité pour authentifier la signature des autres autorités à l'égard des actes que le consul aurait à légaliser, traduire ou transcrire en vue de leur faire produire effet dans les territoires de l'Etat d'envoi.

Article 30

Les consuls peuvent, sous réserve des dispositions des arrangements spéciaux conclus ou à conclure entre les Hautes Parties contractantes:

1. Organiser, conformément aux lois de l'Etat d'envoi, la tutelle ou la curatelle de leurs nationaux incapables;

2. En matière civile et commerciale, transmettre les actes judiciaires et extra-judiciaires et exécuter les commissions rogatoires des tribunaux de l'Etat d'envoi, dans la mesure permise par la législation territoriale;

3. Recevoir en dépôt les sommes d'argent, documents et objets de toute nature qui leur seront remis par des ressortissants de l'Etat d'envoi ou pour leur compte; ces objets ne bénéficient pas de l'immunité prévue à l'article 12;

4. Assurer comme il est dit aux titres V et VI ci-après, l'administration des successions de ces ressortissants et l'application des lois de l'Etat d'envoi sur la navigation marchande.

TITRE V

SUCCESSIONS

Article 31

En cas de décès d'un ressortissant de l'un des Etats contractants sur le territoire de l'autre, l'autorité locale compétente avise immédiatement le consul dans la circonscription duquel le décès a eu lieu. Le consul, de son côté, s'il en a eu connaissance le premier, donne le même avis à l'autorité locale.

Article 32

Lorsqu'un défunt laissera une succession dans l'Etat de résidence et qu'un droit à la succession ou à une partie de celle-ci reviendra à un ressortissant de l'Etat d'envoi ne résidant pas sur le territoire et n'y étant pas représenté

par un mandataire désigné, ou sera revendiqué par ledit ressortissant, le consul dans la circonscription duquel la succession est ouverte ou son délégué, aura le droit de représenter ce ressortissant en ce qui concerne ses intérêts dans la succession, comme si une procuration expresse avait été établie en sa faveur par ce ressortissant. Si, ultérieurement, ce ressortissant vient à défendre lui-même ses intérêts dans le territoire ou à y être expressément représenté par une autre personne, la procuration ainsi présumée au profit du consul cessera d'avoir effet.

Article 33

Si un consul exerce les droits visés à l'article 32 du présent titre, il sera, en cette matière, soumis à la législation territoriale et à la juridiction des tribunaux territoriaux de la même manière qu'un ressortissant de l'Etat de résidence. Il sera alors appelé en cause non à titre personnel, mais comme représentant de ses ressortissants intéressés du fait de ses fonctions.

Article 34

Les consuls et agents consulaires des Hautes Parties contractantes sont seuls chargés des actes d'inventaire et autres opérations effectuées pour la conservation des biens et objets de toute nature laissés par les ressortissants, gens de mer et passagers qui décèderaient, soit à bord d'un navire de leur pays avant son arrivée dans le port ou dans le port lui-même, soit à terre après le débarquement.

TITRE VI

NAVIGATION

Article 35

Lorsqu'un navire battant pavillon de l'Etat d'envoi se trouve dans un port de l'Etat de résidence, le consul ou l'agent consulaire compétent peut se rendre en personne ou envoyer des délégués à bord de ce navire après son admission à la libre pratique.

Il peut, en toute liberté, interroger le capitaine et les membres de l'équipage, examiner les papiers de bord, recevoir toutes déclarations sur le voyage, l'itinéraire et la destination du bâtiment et délivrer pour le compte de l'Etat d'envoi tous documents nécessaires à l'expédition du navire.

Le capitaine et les membres de l'équipage sont autorisés à communiquer avec le consul et à se rendre au poste consulaire.

Article 36

Les consuls et agents consulaires compétents connaissent exclusivement du maintien de l'ordre intérieur et de la discipline à bord des navires marchands battant pavillon de l'Etat d'envoi.

Ils peuvent régler eux-mêmes les contestations de toute nature entre le capitaine, les officiers du navire et les membres de l'équipage, y compris celles qui concernent la solde et l'exécution du contrat d'engagement. Ils peuvent également exercer les pouvoirs qui leur sont attribués par l'Etat d'envoi en ce qui concerne l'engagement, l'embarquement, le licenciement et le débarquement des marins et procéder, le cas échéant, à l'hospitalisation et au rapatriement du capitaine ou des membres de l'équipage.

Article 37

Les autorités de l'Etat de résidence n'interviendront dans aucune affaire survenue à bord du navire et ne procéderont à aucune poursuite pour les infractions commises à bord, sauf dans l'un des cas suivants :

Si la demande d'intervention est faite par le consul ou, en cas d'urgence, par le capitaine du navire, à charge pour ce dernier d'en rendre compte aussitôt que possible au consul ;

S'il s'agit de désordres de nature à troubler la tranquillité et l'ordre public à terre ou dans le port, ou à porter atteinte à la santé ou à la sécurité publique ;

Si les infractions commises à bord sont punissables d'au moins trois ans d'emprisonnement dans les territoires visés au premier alinéa de l'article 1, ou de quatre ans d'emprisonnement dans les territoires visés au deuxième alinéa dudit article ;

Si des personnes étrangères à l'équipage se trouvent en cause ;

Si des membres de l'équipage ayant la nationalité de l'Etat de résidence se trouvent en cause, et à condition qu'il ne s'agisse pas de faits relevant du règlement disciplinaire du bord.

Les autorités de l'Etat de résidence devront prévenir en temps opportun le consul pour qu'il puisse assister aux visites, investigations ou arrestations qu'elles ont l'intention d'effectuer. L'avis adressé à cet effet indiquera une heure précise et, si le consul négligeait de s'y rendre ou de s'y faire représenter, il serait procédé en son absence.

Une procédure analogue devra être suivie au cas où les capitaines ou membres de l'équipage auraient à faire des déclarations devant les tribunaux ou administrations locales.

Les dispositions du présent article ne peuvent être opposées aux autorités de l'Etat de résidence pour tout ce qui concerne l'application de la législation et de la réglementation douanière, la santé publique et les autres mesures de contrôle concernant la police des ports, la sûreté des marchandises et l'admission des étrangers.

Article 38

Les consuls et agents consulaires peuvent faire arrêter et renvoyer à bord un marin ou toute autre personne faisant partie, à quelque titre que ce soit, de l'équipage d'un navire de l'Etat d'envoi qui aurait déserté sur le territoire de l'Etat de résidence et sans lequel l'effectif de l'équipage serait insuffisant pour assurer la bonne marche du navire.

A cet effet, ils s'adresseront par écrit aux autorités locales compétentes et justifieront que la personne réclamée fait réellement partie de l'équipage et que sa présence à bord est nécessaire pour assurer la bonne marche du navire. Sur une demande ainsi justifiée, la remise du déserteur ne peut être refusée, sous réserve de l'application des dispositions constitutionnelles des Hautes Parties contractantes concernant le droit d'asile.

Si un déserteur a commis quelque délit à terre, l'autorité locale peut surseoir à sa livraison jusqu'à ce que le tribunal ait rendu sa sentence et que celle-ci ait reçu pleine et entière exécution.

Les marins ou autres membres de l'équipage, ressortissants de l'Etat de résidence, sont exceptés des stipulations du présent article.

Article 39

Les consuls peuvent, selon les prescriptions légales de l'Etat d'envoi, recevoir toute déclaration et établir tout document concernant :

1. L'immatriculation d'un navire dans l'Etat d'envoi ou sa radiation de l'immatriculation;
2. L'armement ou le désarmement d'un navire immatriculé dans l'Etat d'envoi ;
3. L'inscription des mutations survenues dans la propriété d'un navire immatriculé dans l'Etat d'envoi et les hypothèses ou autres droits réels grevant ce navire.

Article 40

Lorsqu'un navire battant pavillon de l'Etat d'envoi fait naufrage ou s'échoue sur le littoral de l'Etat de résidence, le consul ou agent consulaire compétent en est informé aussitôt que possible par les autorités territoriales.

Celles-ci prennent toutes mesures pour maintenir l'ordre, assurer la protection du navire, des individus et biens naufragés et éviter les dommages qui pourraient être causés à d'autres navires ou aux aménagements portuaires.

Toutes les opérations relatives au sauvetage sont dirigées par le consul ou agent consulaire compétent avec l'assistance des autorités locales.

Le consul peut prendre en l'absence de l'armateur toutes les dispositions convenables en ce qui concerne le sort du navire.

L'intervention des autorités locales ne donne lieu à la perception de frais d'aucune espèce, à l'exception du remboursement des dépenses nécessitées par les opérations de sauvetage et de conservation des biens sauvés et des frais qui seraient perçus dans des circonstances analogues sur les navires de l'Etat de résidence.

Les marchandises et biens sauvés du naufrage ne sont passibles de droits et taxes d'importation que s'ils sont livrés à la consommation intérieure dans le territoire de l'Etat de résidence.

Article 41

Le consul ou agent consulaire compétent peut de même prendre après accord des autorités territoriales toutes dispositions pour assurer la conservation et la destination de tous biens naufragés trouvés ou amenés sur le territoire de l'Etat de résidence et appartenant à des ressortissants ou à un navire de l'Etat d'envoi à condition que leurs propriétaires ou tous intéressés ne soient pas en mesure de prendre ces dispositions.

Article 42

Toutes les fois qu'il n'y a pas de stipulations contraires entre les armateurs, chargeurs et assureurs, les avaries subies en mer par les navires de l'Etat d'envoi qui entrent dans les ports de l'Etat de résidence volontairement ou par relâche forcée, sont réglées par les consuls ou agents consulaires à moins que les ressortissants de l'Etat de résidence ou ceux d'un tiers Etat ne soient intéressés aux avaries ; dans ce cas et à défaut de compromis amiable entre toutes les parties intéressées, elles doivent être réglées par les autorités locales.

DISPOSITIONS FINALES

Article 43

En accord avec les règles du droit international, les consuls sont autorisés à exercer toutes fonctions conformes à la pratique consulaire reconnue par l'Etat de résidence.

Les actes accomplis à l'occasion de l'exercice des fonctions consulaires peuvent donner lieu à la perception des droits et taxes prévus à cet égard par la législation de l'Etat d'envoi.

Article 44

Les différends entre les Hautes Parties Contractantes relatifs à l'application ou à l'interprétation de la présente convention qui n'auront pas été réglés par la voie diplomatique ou conformément au Traité de conciliation et d'arbitrage obligatoire signé à Paris, le 3 mars 1928, entre la France et la Suède, pourront être portés, à la requête de l'une des Parties, devant la Cour Internationale de Justice pour être tranchés par elle, conformément à son statut.

Article 45

L'entrée en vigueur de la présente Convention mettra fin en ce qui concerne les territoires auxquels elle s'applique, aux effets des accords suivants :

- a) Déclaration concernant l'extradition des marins déserteurs, signée à Paris le 15 mai 1856;
- b) Articles 9 à 12 du Traité de Navigation conclu le 30 décembre 1881 entre la France et les Royaumes Unis de Suède et de Norvège;
- c) Déclaration du 19 mai 1886 pour régler le paiement des salaires dus aux marins des pays respectifs ainsi que le traitement de leurs successions;
- d) Notes ministérielles concernant la franchise des droits d'entrée pour les effets de chancellerie destinés à l'usage des consulats, échangés à Paris les 25 juin, 23 et 31 juillet 1900.

Article 46

La présente Convention entrera en vigueur à dater du jour de l'échange des instruments de ratification, qui aura lieu à Stockholm, aussitôt que faire se pourra.

Elle demeurera en vigueur jusqu'à ce que l'une des Hautes Parties contractantes la dénonce, moyennant un préavis d'une année.

EN FOI DE QUOI, les Plénipotentiaires ont signé la présente Convention et y ont apposé leur sceau.

31. Treaty¹ of Amity, Economic Relations, and Consular Rights between the United States of America and Iran, signed at Tehran, on 15 August 1955²

Article XIII

1. Consular representatives of each High Contracting Party shall be permitted to reside in the territory of the other High Contracting Party at

¹ United Nations, *Treaty Series*, vol. 284, p. 110.

² Came into force on 16 June 1957.

the places where consular officers of any third country are permitted to reside and at other places by consent of the other High Contracting Party. Consular officers and employees shall enjoy the privileges and immunities accorded to officers and employees of their rank or status by general international usage and shall be permitted to exercise all functions which are in accordance with such usage; in any event they shall be treated, subject to reciprocity, in a manner no less favorable than similar officers and employees of any third country.

2. The consular offices shall not be entered by the police or other local authorities without the consent of the consular officer, except that in the case of fire or other disaster, or if the local authorities have probable cause to believe that a crime of violence has been or is about to be committed in the consular office, consent to entry shall be presumed. In no case shall they examine or seize the papers there deposited.

Article XIV

1. All furniture, equipment and supplies consigned to or withdrawn from customs custody for a consular or diplomatic office of either High Contracting Party for official use shall be exempt within the territories of the other High Contracting Party from all customs duties and internal revenue or other taxes imposed upon or by reason of importation.

2. The baggage, effects and other articles imported exclusively for the personal use of consular officers and diplomatic and consular employees and members of their families residing with them, who are nationals of the sending State and are not engaged in any private occupation for gain in the territories of the receiving State, shall be exempt from all customs duties and internal revenue or other taxes imposed upon or by reason of importation. Such exemptions shall be granted with respect to the property accompanying the person entitled thereto on first arrival and on subsequent arrivals, and to that consigned to such officers and employees during the period in which they continue in status.

3. It is understood, however, that: (a) paragraph 2 of the present article shall apply as to consular officers and diplomatic and consular employees only when their names have been communicated to the appropriate authorities of the receiving State and they have been duly recognized in their official capacity; (b) in the case of consignments, either High Contracting Party may, as a condition to the granting of exemption, require that a notification of any such consignment be given, in a prescribed manner; and (c) nothing herein authorizes importations specifically prohibited by law.

Article XV

1. The Government of either High Contracting Party may, in the territory of the other, acquire, own, lease for any period of time, or otherwise hold and occupy, such lands, buildings, and appurtenances as may be necessary and appropriate for governmental, other than military, purposes. If under the local law the permission of the local authorities must be obtained as a prerequisite to any such acquiring or holding, such permission shall be given on request.

2. Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or

equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, State, provincial and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

Article XVI

1. No tax or other similar charge of any kind, whether of a national, State, provincial, or municipal nature, shall be levied or collected within the territories of the receiving State in respect of the official emoluments salaries, wages or allowances received (a) by a consular officer of the sending State as compensation for his consular services, or (b) by a consular employee thereof as compensation for his services at a consulate. Likewise, consular officers and employees, who are permanent employees of the sending State and are not engaged in private occupation for gain within the territories of the receiving State, shall be exempt from all taxes or other similar charges, the legal incidence of which would otherwise fall upon such officers or employees.

2. The preceding paragraph shall not apply in respect of taxes and other similar charges upon: (a) the ownership or occupation of immovable property situated within the territories of the receiving State; (b) income derived from sources within such territories (except the compensation mentioned in the preceding paragraph); or (c) the passing of property at death.

3. The provisions of the present Article shall have like application to diplomatic officers and employees, who shall in addition be accorded all exemptions allowed them under general international usage.

Article XVII

The exemptions provided for in articles XIV and XVI shall not apply to nationals of the sending State who are also nationals of the receiving State, or to any other person who is a national of the receiving State, nor to persons having immigrant status who have been lawfully admitted for permanent residence in the receiving State.

Article XVIII

Consular officers and employees are not subject to local jurisdiction for acts done in their official character and within the scope of their authority. No consular officer or employee shall be required to present his official files before the courts or to make declaration with respect to their contents.

Article XIX

A consular officer shall have the right within his district to: (a) interview, communicate with, assist and advise any national of the sending State; (b) inquire into any incidents which have occurred affecting the interests of any such national ; and (c) assist any such national in proceedings before or in relations with the authorities of the receiving State and, where necessary, arrange for legal assistance to which he is entitled. A national of the sending State shall have the right at all times to communicate with a consular officer of the country and, unless subject to lawful detention, to visit him at the consular office.

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).

33. Treaty¹ between the Polish People's Republic and the German Democratic Republic concerning legal relations in civil, family and criminal cases, signed at Warsaw, on 1 February 1957²

Article 46

NOTIFICATION OF DEATH

1. If a citizen of one of the Contracting Parties dies in the territory of the other Party, the local authority shall immediately notify the diplomatic or consular mission of the former Party of such death, communicating to it whatever information is available concerning the heirs, their domicile or residence, the size and value of the estate and the existence of a will.

2. If the diplomatic or consular mission learns of the death first, it shall notify the competent succession authority with a view to the protection of the estate.

Article 47

RIGHT OF DIPLOMATIC AND CONSULAR MISSIONS TO ACT IN MATTERS OF SUCCESSION

1. In all succession proceedings arising in the territory of one of the Contracting Parties, diplomatic or consular missions shall have the right to represent the interests of citizens of their State before the authorities of such Party, where such citizens do not take part in the proceedings and have appointed no other representatives; in such cases no special power of attorney shall be necessary.

2. If a citizen of one of the Contracting Parties not domiciled or resident in the territory of the other Party dies while travelling in such territory, his personal effects shall be delivered to the diplomatic or consular mission without any formal proceedings.

Article 49

MEASURES FOR THE PROTECTION OF THE ESTATE

1. The succession authorities of each Contracting Party shall take, in accordance with their law, such measures as are necessary to ensure the protection or the administration of estates left in the territory of their State by citizens of the other Party. The succession authority having local jurisdiction shall be the authority in whose district all or most of the estate is situated.

2. The diplomatic or consular mission shall be informed immediately of any measures taken under paragraph 1; it may participate in carrying out such measures either direct or through its representative. At the request of the diplomatic or consular mission, measures taken under paragraph 1 and any other necessary measures may be modified, postponed or rescinded.

3. Measures taken under paragraph 1 of this article must be rescinded

¹ United Nations, *Treaty Series*, vol. 319, p. 168.

² Came into force on 11 October 1957.

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

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. Treaty² of Commerce and Navigation between Japan and Norway, signed at Tokyo, on 28 February 1957³

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.

¹ 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."

² United Nations, *Treaty Series*, vol. 280, p. 88.

³ 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.

...

35. Consular Treaty¹ between the Union of Soviet Socialist Republics and the German Democratic Republic, signed at Moscow, on 10 May 1957²

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.

¹ United Nations, *Treaty Series*, vol. 285, p. 152.

² Came into force on 11 October 1957.

II. PRIVILEGES AND IMMUNITIES OF THE CONSULS

Article 4

1. The receiving State shall guarantee that consuls and members of their staff will not be obstructed in the performance of their duties. The authorities of the receiving State shall grant consuls and members of their staff all necessary support in the performance of their duties.

2. Official correspondence shall be inviolable and shall not be subjected to examination. This shall apply also to all telegraph communications.

3. The offices of the consulates shall be inviolable. The authorities of the receiving State shall not employ force either in the offices of the consulate or at the residence of the consul.

4. Consular archives shall be inviolable in all circumstances. Papers of a private nature shall not be kept in the consular archives.

5. In his communications with the authorities of the sending State a consul shall be entitled to use codes and to use the services of a diplomatic courier. When a consul uses the ordinary methods of communication, he shall be charged the same rates as diplomatic representatives.

Article 5

A consul shall be entitled to place on the building of the consulate the coat of arms of his State with an inscription designating the nature of the offices. He shall be entitled to fly the flag of his country at the above-mentioned building and on his residence and to place it upon vehicles used by him in the exercise of his duties.

Article 6

Consuls and members of their staff who are citizens of the sending State shall not be liable, in the courts of the receiving State, in respect of acts performed in their official capacity.

Article 7

1. Consuls and members of their staff may be required to give testimony before the judicial authorities of the country of residence.

2. If consuls or members of their staff should be prevented from appearing before the judicial authorities by the exigencies of their services, or by sickness or for any other reason, they shall make a deposition in writing.

3. Consuls and members of their staff may refuse to make a deposition concerning matters connected with their official duties.

Article 8

1. Consuls and members of their staff who are nationals of the sending State shall be exempt from military or other service and also from all direct taxes.

2. Land and buildings shall be exempt from military and other contributions only if they are used by the consul or his staff as official premises or as their residence.

3. Subject to reciprocity, consuls and members of their staff shall be entitled to the same privileges with regard to customs duties as members of diplomatic missions.

Article 9

The provisions of article 8 shall apply also to the wife and the minor children of a consul residing with him.

III. OFFICIAL FUNCTIONS OF THE CONSULS

Article 10

1. A consul shall safeguard the rights and interests of his State and of the nationals (natural and legal persons) of that State.

2. A consul shall be entitled in the exercise of his official duties to apply to the authorities in his consular district; he may make representations to these authorities in case of a violation of the rights and interests of the sending State or of the nationals of that State.

Article 11

A consul shall be entitled to register the nationals of the State which he represents who are residing either permanently or temporarily in his consular district.

Article 12

1. A consul shall be entitled to issue passports to the nationals of the State which he represents.

2. A consul shall give visas to nationals of the sending State and also to foreign nationals and stateless persons for entry into and for exit from the sending State.

Article 13

A consul shall receive from foreign nationals and stateless persons applications for the nationality of the sending State.

Article 14

A consul shall be entitled to represent any national of the sending State before the authorities of the receiving State, if the person concerned, owing to absence or for any other valid reason, is not in a position to protect his rights and interests within the appropriate time limits. Such representation shall continue until the person represented appoints a representative or until he assumes personally the protection of his rights and interests.

Article 15

A consul shall be entitled to perform in the consulate, his residence or the residence of a national of the sending State and also on board a vessel or aircraft flying the flag of the sending State, the following functions:

1. To draw up or certify the declarations of nationals of the sending State;

2. To draw up, certify and safeguard the testamentary dispositions or unilateral declarations of nationals of the sending State and also to accept for safekeeping the property and papers of such nationals;

3. To draw up or certify transactions between nationals of the sending State, provided that such transactions are not inconsistent with the laws of the receiving State. The consul shall not draw up or certify transactions establishing or transferring rights to buildings and land situated in the receiving State ;

4. To draw up or certify transactions between nationals of the sending State and those of the receiving State, provided that those transactions relate exclusively to interests situated in the territory of the State which the consul represents, or to contracts which are to be carried out in the territory of that State and provided that such transactions are not inconsistent with the laws of that State;

5. To certify the signature of nationals of the State which he represents, on any kind of document; to legalize documents issued by the authorities and officials of the sending or the receiving State, and also to certify copies of such documents;

6. To certify translations of documents issued by the authorities and officials of the sending or the receiving State;

7. To accept for safekeeping money or valuables either entrusted to him by nationals of the sending State or intended for such nationals;

8. To perform all other acts with which he may be charged, provided that they are not contrary to the laws of the receiving State.

Article 16

The documents mentioned in article 15 above, and also copies or translations thereof or extracts made from them, which have been drawn up or certified by the consul shall have in the receiving State the same legal validity and validity as evidence as documents, copies, translations and extracts drawn up, translated or certified by the competent authorities and institutions in the receiving State.

Article 17

1. If a national of the sending State dies within the consul's district, the consul shall ensure that all necessary measures are taken to protect the legal interests of the heirs.

2. The authorities in the consular district shall inform the consul of the deaths of any nationals of his State and also of any measures that have been taken or are contemplated to settle the estate.

Article 18

1. The local authorities shall be competent to take the inventory of the estate, to preserve it and to affix the seals thereto. At the request of the consul, they shall be obliged to take the necessary measures to protect the estate. The consul may be present when the local authorities take the inventory and the measures to protect the estate and he may participate in drawing up the inventory certificate and in affixing the seals. He shall be entitled to request the local authorities to hand over to him any movable property from the estate including the documents of the deceased person, even if the said property is in the safekeeping of the local authorities.

2. Before the assets of the estate are transmitted to the heirs or transferred abroad, the statutory duty on the value of the estate must be paid and other claims presented and proved by individual heirs or other persons residing in the receiving State must be satisfied. Such obligation on the part of the consul shall cease six months from the day of death if no heirs have notified the consul within that time that their claims have been recognized as valid or are under consideration by the appropriate authorities.

3. Immovable property forming part of the estate shall be subject to the laws of the country in which the property is situated.

Article 19

1. A consul shall be entitled to register marriages in accordance with the laws of the sending State, provided that both parties to the marriage are nationals of the sending State.

2. The performance of a marriage shall be notified to the competent authorities of the receiving State.

Article 20

1. A consul shall be entitled to issue certificates of the birth and death of nationals of the sending State in accordance with the procedure obtaining in the sending State.

2. The birth or death shall be notified to the competent authorities of the receiving State.

Article 21

A consul may appoint a guardian or curator for nationals of the sending State. He shall be entitled to supervise the manner in which the guardian or curator carries out his duties. If a consul learns that no administrator has been appointed for the property of a national of the sending State, he may appoint a trustee.

Article 22

1. A consul shall be entitled to render all help to vessels of the State which he represents. He shall be entitled in particular to communicate with the members of the crew and the passengers, examine the ship's papers, and receive depositions concerning the cargo, the purpose of the voyage and any special events.

2. If the authorities of the receiving State intend to carry out any measures of constraint on board a merchant vessel of the sending State, the consul in charge shall be notified in advance so that he may be present at such action. This provision shall not apply to customs, passport and health control of the vessel, the crew or the passengers.

Article 23

1. If a vessel sailing under the flag of the sending State is wrecked or suffers any other accident, a consul shall be entitled to render all help to the vessel, the crew and the passengers.

2. The local authorities shall immediately notify the appropriate consul of the accident to the vessel and inform him of the measures they have taken to save the persons on board, the vessel and its cargo. The said authorities shall give all necessary assistance to the consul in carrying out his arrangements in connexion with the accident.

Article 24

1. A consul shall be entitled to render all help to aircraft of the State which he represents. In particular, in the case of a forced landing he may

assist the crew and the passengers in their dealings with the local authorities and take appropriate measures to ensure the continuation of the flight.

2. If an aircraft of the sending State is involved in a disaster or accident, the consul shall be entitled to take measures or request that measures be taken to assist injured members of the crew and passengers, to save the cargo and to repair the aircraft.

3. The provisions of this article shall not affect the provisions of other agreements concerning mutual assistance in the case of air disasters or accidents.

IV. FINAL PROVISIONS

Article 25

The provisions of this Treaty concerning the rights and duties of consuls shall apply, *mutatis mutandis*, to all members of the diplomatic missions who have been commissioned to discharge consular duties. The performance of consular duties shall not affect the diplomatic privileges and immunities of these persons.

Article 26

This Treaty be valid for a period of five years. It shall be extended for further periods of five years until it is denounced by one of the Contracting Parties at least six months before the expiry of the current period of five years.

Article 27

This Treaty shall be ratified. It shall enter into force on the date of exchange of the instruments of ratification, which shall take place at Berlin.

NOTE: Similar provisions may be found in the Conventions concluded by the Union of Soviet Socialist Republics with Hungary, 24 August, 1957 (United Nations, *Treaty Series*, vol. 318, p. 20); Romania, 4 September 1957 (*ibid.*, vol. 318, p. 72); Albania, 18 September 1957 (*ibid.*, vol. 307, p. 282); Czechoslovakia, 5 October 1957 (*ibid.*, vol. 320, p. 146); Bulgaria, 12 December 1957 (*ibid.*, vol. 302, p. 38); Democratic People's Republic of Korea, 16 December 1957 (*ibid.*, vol. 292, p. 136); Mongolia, 25 August 1958 (*ibid.*, vol. 322, p. 230) and the Democratic Republic of Viet Nam, 5 June 1959 (*ibid.*, vol. 356, p. 132); by Czechoslovakia with the German Democratic Republic, 24 May 1957 (*ibid.*, vol. 292, p. 342); Albania, 16 January 1959 (*ibid.*, vol. 363, p. 180); Hungary, 27 March 1959 (*ibid.*, vol. 357, p. 72); Bulgaria, 27 May 1959 (*ibid.*, vol. 360, p. 350) and the People's Republic of China, 7 May 1960 (*ibid.*, vol. 402); and by Romania with the German Democratic Republic, 15 July 1958 (*ibid.*, vol. 387, p. 150); Hungary, 18 March 1959 (*ibid.*, vol. 417); Bulgaria, 23 April 1959 (*ibid.*, vol. 387, p. 98); Czechoslovakia, 21 May 1960 (*ibid.*, vol. 397); and Albania, 12 September 1960 (Ministerul Justiției: *Colectie de Legi, Decrete, Hotărâri și dispoziții*, București, 1961, I, p. 18). All these treaties have been ratified.

**36. Consular Convention¹ between the Polish People's Republic
and the German Democratic Republic,
signed at Warsaw, on 25 November 1957²**

I. ESTABLISHMENT OF CONSULATES AND ACCEPTANCE OF CONSULS

Article 1

Either Contracting Party may establish consulates in the territory of the other Contracting Party.

Article 2

1. After he has presented his commission, the consul shall be recognized and shall be authorized, by the grant of an exequatur, to perform his duties in accordance with the laws and customs in force in the receiving State. The consular district shall be defined in the commission. The competent authorities of the receiving State shall be informed, by letter, of any subsequent changes in the consular district.

2. The exequatur, containing a definition of the consular district, shall be granted to the consul forthwith. The receiving State shall without delay inform the appropriate authorities in the consular district of the grant of the exequatur. The authorities shall take steps to enable the consul to enter upon his duties.

3. If for special reasons the granting of the exequatur is delayed, the receiving State may grant to the consul provisional permission to exercise his functions.

Article 3

The consul may appoint consular agents within his consular district. A consular agent may not take up his duties until the receiving State has given its consent. He shall perform his duties under the superintendence and responsibility of the consul. Where the consular agent is a national of the sending State, he shall enjoy the privileges and immunities of a member of the consular staff.

Article 4

Consulates may employ the number of staff necessary for the exercise of the functions specified in this Convention. The names, addresses and functions of such staff shall be communicated, in writing, to the competent authorities of the receiving State.

Article 5

In case of the death, recall, or temporary absence of the consul or when he is unable to act for any other reason, a member of the consular staff or a member of the diplomatic mission shall be entitled to perform temporarily the consul's functions, provided that the competent authorities of the

¹ United Nations, *Treaty Series*, vol. 340, p. 118.

² Came into force on 31 October 1958.

receiving State have been notified, in advance, of his official status as head of the consulate. He shall enjoy all the rights, privileges and immunities guaranteed to the consul by this Convention. This arrangement shall be without prejudice to the diplomatic privileges and to the immunity enjoyed by such a member of the staff.

II. PRIVILEGES AND IMMUNITIES

Article 6

The receiving State shall guarantee that the consul and his staff will not be obstructed in the performance of their duties. The authorities of the receiving State shall grant them all necessary support in the performance of their duties.

Article 7

1. The coat-of-arms of the sending State, with the title of the consulate in the language of the sending State, may be placed on the building of the consulate and on its boundary wall.

2. The flag of the sending State may be flown from the consulate building. The consul may place the coat-of-arms and flag of the sending State on vehicles used by him in the exercise of his duties.

Article 8

1. The offices of the consulates shall be inviolable.

2. The authorities of the receiving State may enter the offices of the consulate only with the consent of the head of the consulate. Such entry into the consular offices can take place only if due regard is paid to the principle of the inviolability of consular archives.

3. The offices of the consulate shall be separate from the living quarters of the consuls and of their staffs.

Article 9

1. Consular archives shall be inviolable.

2. Private papers belonging to the consul and to his staff shall be kept separate from the consular archives.

Article 10

1. The consul may send and receive official correspondence under sealed cover. For that purpose he may use the services of the diplomatic courier.

2. Correspondence which is sent or received by a consulate shall be inviolable.

3. The consul shall be entitled to use codes.

Article 11

1. The consul shall not be subject to the jurisdiction of the receiving State. Members of his staff who are nationals of the sending State shall not be subject to the jurisdiction of the receiving State in respect of acts performed in their official capacity.

2. The immunity from jurisdiction prescribed in paragraph 1 includes the right to refuse to give evidence, and to refuse to submit documents, regarding official matters to the courts and other authorities of the receiving State.

3. Summonses addressed to the persons mentioned in paragraph 1, requiring them to give evidence in matters not connected with their official duties, must contain no threat of penalties or of other coercive measures. The summonses shall be in written form. If the consul is prevented from appearing, he shall be interrogated at his residence or he may make a written deposition.

Article 12

Consuls and their staffs, together with their spouses and minor children residing with them, shall, if nationals of the sending State, not be subject to the regulations of the receiving State under which aliens are required to register, to obtain residence permits and to report to the authorities.

Article 13

1. Land and buildings, or portions thereof, used for official or residential purposes by the consul and his staff who are nationals of the sending State shall be exempt from military and other contributions.

2. The land and buildings, or portions thereof, mentioned in paragraph 1 shall not be exempt from such measures of expropriation or temporary requisition in the public interest as are permitted under the laws of the receiving State. In the event of any such measure being necessary, the competent authorities shall ensure that no interference with the activities of the consulate takes place.

3. The land and buildings, or portions thereof, mentioned in paragraph 1 shall be exempt from taxation.

4. Vehicles, radio and television receivers, and other movable property belonging to the sending State and used in the service of the consulate shall be exempt from fees, taxes, and military and other contributions.

Article 14

The consul and his staff who are nationals of the sending State shall, together with their personal property, be exempt from fees and direct taxes and from military and other contributions, in the receiving State. The exemption from military and other contributions shall also apply to the spouses and minor children of such persons when residing with them.

Article 15

All articles required for the use of the consulates may be imported and exported free of customs duty.

III. FUNCTIONS OF THE CONSUL

Article 16

The consul may, in conformity with international law and usage, attend to the nationals of the sending State and look after their rights and interests. For that purpose he may apply direct to the courts and other authorities of the State in his consular district.

Article 17

If a national of the sending State is placed under provisional arrest or imprisoned, the consul must immediately be informed to that effect by the competent authorities of the receiving State.

Article 18

The consul may:

- (a) Register nationals of the sending State;
- (b) Issue passports to nationals of the sending State;
- (c) Issue other travel documents;
- (d) Grant visas.

Article 19

The consul may, at the request of the authorities of the sending State, hear its nationals as parties, witnesses or experts and serve writs on such persons in accordance with the law of the sending State.

Article 20

1. The consul may, if the laws of the sending State so provide, register the births and deaths of nationals of the sending State.
2. The provisions of paragraph 1 shall not affect the obligation, under the laws and regulations of the receiving State, to register births and deaths with the competent authorities of the receiving State.

Article 21

The consul may perform marriages in accordance with the laws of the sending State, provided that both parties to the marriage are nationals of the sending State. If at least one of the parties to such marriage has his or her permanent residence in the receiving State, the consul shall notify the competent authorities of that State of the performance of the marriage.

Article 22

1. The consul may perform notarial acts which are provided for by the laws of the sending State, if such acts relate to nationals of that State and can produce legal effects in it.
2. The consul may prepare and certify translations of documents from his own language into that of the receiving State, and vice versa.
3. The consul may legalize documents drawn up or certified in the receiving State or in the sending State, as well as documents relating to nationals of the sending State which have been drawn up or certified in a third State.
4. The documents mentioned in paragraphs 2 and 3, which have been drawn up, certified or legalized by the consul in the form prescribed by the laws of the sending State, shall have in the receiving State the same legal validity and validity as evidence as documents drawn up, certified or legalized by the competent bodies or official personnel [*Amtspersonen*] of the receiving State.

Article 23

The consul may accept, for safe keeping, money, documents and other articles belonging to nationals of the sending State.

Article 24

The functions of the consul in matters of succession, guardianship and trusteeship relating to nationals of the sending State shall be regulated by the provisions of the Treaty of 1 February 1957 between the Polish People's Republic and the German Democratic Republic concerning legal relations in civil, family and criminal cases.¹

Article 25

1. The consul may communicate with the master, the other members of the crew and the passengers of a ship calling at a port in his consular district and may go on board such ship after it has been cleared by the competent authorities of the receiving State.

2. The master, the other members of the crew and the passengers may communicate with the consul, provided that they comply with the regulations in force in the receiving State.

Article 26

1. The consul may ask the master and the other members of the crew for information, and may take depositions, concerning the ship, its cargo and the purpose and progress of the voyage. He may examine the papers of the ship and take steps to facilitate its arrival and departure.

2. The consul may, in so far as is permitted by the laws of the sending State, settle disputes between the master and the other members of the crew, appoint or discharge the master and the other members of the crew, and take steps to ensure order and discipline on board the ship.

Article 27

1. The authorities of the receiving State may intervene with regard to occurrences on board the ship only if the consul requests or approves such intervention.

2. The authorities of the receiving State may intervene with regard to occurrences on board the ship without obtaining the consent of the consul, if such occurrences are prejudicial to public order and security in the port or if the customs, passport and health regulations of the receiving State have been infringed.

3. If the competent authorities of the receiving State intend to carry out any measures of constraint on board a ship, they shall notify the consul about them in good time, so that he may be present at such action. Should it be impossible for the consul to arrive in time, the competent authorities of the receiving State shall provide him with full information about the application of the measures of constraint. The provisions of this paragraph shall not apply in the case of the normal customs, passport and health control of the ship, the crew or the passengers.

¹ See treaty No. 33.

Article 28

If a member of a ship's crew has fled from the ship to the territory of the receiving State, the consul may request the competent authorities of the receiving State to deliver such member to the ship or to the sending State. The competent authorities of the receiving State shall take the necessary steps to comply with the consul's request. These provisions shall not apply to nationals of the receiving State.

Article 29

The consul may, in ports of his consular district, go on board a ship of any flag which proposes to call at a port in the sending State, for the purpose of exchanging information regarding navigation and trade.

Article 30

1. The competent authorities of the receiving State shall immediately notify the consul of any disaster or damage (*Havarie*) suffered by a ship.
2. In the event of such disaster or damage, the consul may extend every assistance to the ship, the members of the crew and the passengers, and may take, or request the competent authorities of the receiving State to take, steps to ensure the protection of the cargo and the repair of the ship. The competent authorities of the receiving State shall, in such circumstances, give the necessary assistance to the consul.

Article 31

The provisions of this Convention which relate to shipping shall apply, *mutatis mutandis*, to air transport, unless international agreements binding on both Contracting Parties provide otherwise.

Article 32

The consul may levy the fees prescribed under the law of the sending State.

Article 33

In correspondence with the authorities and institutions of the receiving State, the consul shall use the language of the receiving State.

IV. FINAL PROVISIONS

Article 34

The provisions of this Convention shall apply, *mutatis mutandis*, to the head of the consular department of the diplomatic mission if notice of his functions has been given in writing to the competent authorities of the receiving State. This provision shall not affect the diplomatic privileges and the immunity enjoyed by him.

Article 35

For the purposes of this Convention:

1. The term "consulate" shall mean consulate-general, consulate or vice-consulate.

2. The term “consul” shall mean any person holding an exequatur or temporary permission to act as consul-general, consul or vice-consul.

3. The term “consular agent” shall mean any person appointed by the superintending consul with the consent of the receiving State.

4. The term “consular staff” [*konsularischer Mitarbeiter*] shall mean any person, except the consul, who exercises consular functions and is a national of the sending State. Technical staff and domestic servants are not covered by this term.

5. The term “staff” [*Mitarbeiter*] shall mean any person employed in a consulate, regardless of his nationality, unless otherwise specified in this Convention.

6. The term “nationals” shall mean individuals, as well as bodies corporate established under the laws of one of the Contracting Parties and having their head offices in the territory of that Contracting Party.

7. The term “ship” shall mean any ship entitled to fly the flag of the sending State.

Article 36

This Convention is concluded for a period of five years. Unless denounced by one of the Contracting Parties six months before the expiry of that period, it shall be extended, under the same condition, for further periods of five years.

Article 37

This Convention shall be ratified. It shall enter into force upon the exchange of the instruments of ratification.

37. Consular Convention¹ between the Polish People’s Republic and the Union of Soviet Socialist Republics, signed at Warsaw, on 21 January 1958²

PART I

DEFINITIONS

Article 1

For the purposes of this Convention:

(1) The term “consul” means any person having the citizenship of the sending State to whom the receiving State has granted an exequatur or any other, even if provisional, authorization to act in the capacity of a consul-general, consul, vice-consul or consular agent;

(2) The term “consular officer” means any person, except the consul, who carries out consular functions and who is a citizen of the sending State; the term does not include technical staff and domestic servants;

¹ United Nations, *Treaty Series*, vol. 319, p. 310.

² Came into force on 8 June 1958.

(3) The term "consular employee" means any person employed at a consulate;

(4) The term "consulate" means a consulate-general, consulate, vice-consulate or consular agency;

(5) The term "consular archives" includes official correspondence and documents and also safes and other office furniture for the safe keeping thereof;

(6) The term "citizen of the . . . State" means an individual having the citizenship of that State and also a body corporate established in accordance with the laws of that State and domiciled in its territory;

(7) The term "vessel of the sending State" means any vessel entitled to fly the flag of that State.

...

PART III

CONSULAR PRIVILEGES

...

Article 11

1. The consul and consular employees who are citizens of the sending State shall not be subject to the jurisdiction of the receiving State in respect of acts performed in their official capacity.

2. If a consul performs an act otherwise than in his official capacity which is punishable under the laws of the receiving State, the question of proceeding against him in any manner whatsoever shall in every case be agreed beforehand between the two Contracting Parties.

Article 12

1. Consuls and consular employees may be summoned to give testimony in either a civil or a criminal case. The summons shall be in the form of an official letter and shall make no reference to the possibility of proceedings of any kind in the event of failure to appear. The court or authority requiring the testimony of the persons aforesaid shall take all necessary steps to avoid interference with the performance of their official duties.

2. Consuls and consular employees may refuse to give testimony before courts or authorities of the receiving State concerning matters connected with their official duties and may also refuse to produce official correspondence and documents. If the court or authority of the receiving State considers the refusal unjustified, the matter shall be turned over for settlement through the diplomatic channel.

3. A consul may, for cogent reasons connected with his official duties or on grounds of illness, request that his testimony should be taken at another time, either in the offices of the consulate or at his residence.

...

PART IV

FUNCTIONS OF THE CONSUL

...

Article 20

A consul may receive declarations of marriage and register marriage if both parties are citizens of the sending State. If at least one of the parties

to the marriage has a permanent residence in the receiving State, the consul shall notify the competent authorities of that State of the registration of the marriage.

. . .

Article 26

1. A consul may request information from the master and members of the crew of a vessel of the sending State concerning the vessel, the cargo, occurrences during the voyage and the vessel's destination, examine the vessel's papers and facilitate the entry and departure of the vessel.

2. A consul may, if the laws of the receiving State permit him to do so, appear with the master or members of the crew before the courts and authorities of that State, extend them every assistance and act as interpreter in matters between them and these courts and authorities.

3. A consul may, if the laws of the sending State permit him to do so, decide disputes between the master and members of the crew, including disputes as to pay and contracts of service, and also engage and discharge the master and members of the crew.

Article 27

1. In the event of damage to a vessel, the competent authorities of the receiving State shall immediately notify the competent consul of the occurrence.

2. In the event of damage, a consul may extend every assistance to the vessel, the members of the crew and the passengers, and may take steps to ensure the protection of the cargo and the repair of the vessel or request the authorities of the receiving State to take such steps. The competent authorities of the receiving State shall co-operate with the consul in his action in connexion with the damage to the vessel.

. . .

NOTE: The other provisions of this Convention are similar to the corresponding provisions of the Convention between the Union of Soviet Socialist Republics and the German Democratic Republic (Convention No. 35 above).

38. Consular Treaty¹ between the Union of Soviet Socialist Republics and the Federal Republic of Germany, signed at Bonn, on 25 April 1958²

. . .

PART I

ESTABLISHMENT OF CONSULATES AND ACCEPTANCE OF CONSULS

Article 5

1. For the purposes of this Treaty, the term "consulate" means a consulate-general, consulate or vice-consulate, and the term "consul" means a consul-general, consul or vice-consul who is in charge of a consulate.

2. The term "consular officers" means:

¹ United Nations, *Treaty Series*, vol. 338, p. 74.

² Came into force on 24 May 1959.

- (a) Persons not in charge of a consulate who perform consular functions in a consulate and hold the official title of "consul" or "vice-consul" and who are indicated by name, in that capacity, to the receiving State. Persons assigned to a consulate for training in consular duties (trainees) shall be assimilated to the persons mentioned above;
 - (b) Secretaries and advisers who are authorized to perform specified consular functions and who are indicated by name, in that capacity, to the receiving State.
3. The term "consular employees" means clerks, translators, typists, shorthand typists, bookkeepers, housekeepers, chauffeurs and appropriate service personnel.
4. The term "consular staff" means the consul, consular officers and consular employees.

Article 6

Consuls and consular officers shall be citizens of the sending State.

PART II

RIGHTS AND PRIVILEGES OF CONSULAR STAFF

. . .

Article 8

1. The consul and consular officers shall not be subject to the jurisdiction of the receiving State in respect of acts performed in their official capacity.

2. In respect of other acts, the consul and consular officers shall not be subject to arrest or to any other restriction of their freedom in the territory of the receiving State, except for the purpose of execution of a final judicial sentence or of prosecution in respect of an offence against life or personal freedom, where the offender is caught *flagrante delicto*.

3. If a consul or a consular officer is to be arrested or is to be the subject of a judicial investigation, the receiving State shall give the Embassy of the sending State advance notice to that effect. If, however, a consul or a consular officer is caught in the act and detained, the receiving State shall so advise the Embassy of the sending State immediately upon his detention.

. . .

Article 10

1. Consular staff who are citizens of the sending State shall be exempt, in the receiving State, from all taxes on remuneration received by them in their capacity as consular staff.

2. In addition to the exemption provided for in paragraph 1 above, consular staff who are citizens of the sending State shall, subject to reciprocity, be granted exemption from taxes in the receiving State to the same extent as consular staff of any third State. This shall apply to spouses and minor children of consular staff who reside with them and are citizens of the sending State.

3. Land and buildings used by consular staff as official premises or living quarters shall be exempt from direct taxes and charges.

. . .

Article 15

Consular staff who are not citizens of the receiving State shall not be permitted to engage in other than consular activities in that State.

Article 31

1. If a vessel sailing under the flag of the sending State is wrecked, or runs aground or is stranded on the coast of the receiving State, or suffers other damage in the latter's territory, the competent authorities shall immediately so notify the consul of the State under whose flag the vessel is sailing and shall inform him of the measures they have taken to save lives, the vessel and the cargo. The competent authorities shall extend the necessary co-operation to the Consul in his action in connexion with the damage to the vessel.

2. Unless other arrangements are made among the shipowners, charterers and insurers, matters relating to the damage suffered by a vessel sailing under the flag of the sending State shall, if the vessel enters a port in the receiving State, be settled by the consul. Such settlement shall, however, be made by the authorities of the receiving State if one of the persons concerned is not a citizen of the sending State and final agreement is not reached.

Article 32

A consul shall be entitled to engage and discharge members of the crew of vessels sailing under the flag of the sending State; such action must not, however, violate the laws of the receiving State.

Article 33

The term "vessels" shall not, for the purposes of this Treaty, include military vessels.

NOTE: The other provisions of this Treaty are similar to the corresponding provisions of the Convention between the Union of Soviet Socialist Republics and the German Democratic Republic (Convention No. 35 above).

**39. Consular Treaty¹ between the Union of Soviet Socialist Republics
and the Republic of Austria, signed at Moscow,
on 28 February 1959²**

PART II

RIGHTS, PRIVILEGES AND IMMUNITIES

Article 7

1. Consuls and consular officers shall not be subject to the jurisdiction of the receiving country in respect of acts performed in their official capacity.

¹ United Nations, *Treaty Series*, vol. 356, p. 62.

² Came into force on 19 January 1960.

This shall also apply to consular employees who are citizens of the sending State.

2. In respect of other acts, consuls and consular officers shall not be subject to detention, arrest or any other restriction of their freedom except for the purpose of execution of a final judicial sentence or of prosecution in respect of a premeditated offence against life or personal freedom.

3. The diplomatic mission of the sending State shall be notified of the initiation of criminal proceedings against a consul or consular officer and of his detention or arrest. It shall be notified of such detention or arrest in advance unless the consul or consular officer is caught *flagrante delicto*.

...

PART III

FUNCTIONS AND DUTIES OF CONSULS

...

Article 21

1. The competent civil registry authority of the receiving country shall transmit to the consul, free of duties and other charges, certificates of the death of citizens of the sending State.

2. The court dealing with the estate of a citizen of the sending State or the other competent authority shall inform the consul regarding the property comprising the estate, the existence of a will, if any, and such heirs as there may be.

3. The courts or other competent authorities of the receiving country shall be competent to take the inventory of the estate, to preserve it and to affix the seals thereto.

Article 22

1. Consuls shall have the following rights with respect to estates left by citizens of the sending State and to the protection of the rights of heirs who are citizens of the sending State:

- (a) The right to participate in taking the inventory of the estate ;
- (b) The right to communicate with the courts or other competent authorities of the receiving country concerning the measures necessary to preserve the estate, protect it from damage and deterioration, or, where necessary, ensure its sale.

2. These rights of consuls may also be exercised by a duly authorized representative of the consul.

Article 23

1. Where a citizen of the sending State had his last domicile in the receiving country, the authorities of that country shall apply the legislative provisions of the receiving country to such of his movable estate as is situated in that country, provided that legal heirs, testamentary heirs or legatees domiciled in the receiving country or in a third State so request within six months after the death of the owner.

2. In other cases, the movable estate shall be delivered to the consul in accordance with the provisions of article 24 below. The consul shall take such action with respect to the said estate as is prescribed by the law of the sending State.

Article 24

1. The time-limit indicated in article 23, paragraph 1, shall also apply with respect to the presentation of claims to the estate by heirs in respect of whom the provisions of article 23, paragraph 1, have not been applied, by creditors and by other interested persons domiciled or resident in the receiving country or in a third State.

2. That part of the estate which within three months after the expiry of the time-limit indicated in article 23, paragraph 1, has not been used for the purpose of satisfying, or securing the claims presented, and in respect of which no proceedings have been initiated for the recognition of claims, shall be delivered to the consul.

3. The delivery of the estate under the provisions of paragraph 2 or its transfer abroad by the consul shall take place in accordance with the laws of the receiving country relating to foreign exchange.

Article 25

1. If a citizen of the sending State not domiciled in the receiving country dies while travelling in that country, his personal effects shall be delivered to the consul without any formal proceedings.

2. The consul to whom the effects are delivered shall, within the limits of their value, settle any debts contracted by the deceased during his stay in the receiving country.

3. The provisions of article 24, paragraph 3, shall apply *mutatis mutandis* in the implementation of paragraphs 1 and 2.

Article 26

Where immovable property, which is situated in the receiving country, has been left by a deceased person who was a citizen of the sending State, the courts or other competent authorities of the receiving country shall apply the law of that country.

NOTE: The other provisions of this Treaty are similar to the corresponding provisions of the Convention between the Union of Soviet Socialist Republics and the German Democratic Republic, No. 35 above.

**40. Convention consulaire ¹ entre la République populaire hongroise
et la République populaire de Pologne,
signée à Varsovie, le 20 mai 1959 ²**

...

PARTIE II

FRANCHISES ET PRIVILÈGES

...

Article 10

1. Le consul et les travailleurs du consulat qui sont ressortissants de l'Etat accréditant ne seront pas soumis à la juridiction de l'Etat accréditaire.

¹ *Dziennik Ustaw*, Nr. 68, p. 719.

² Le texte français de cette Convention a été fourni par la Mission permanente de la République populaire hongroise auprès de l'Organisation des Nations Unies.

2. Si le consul, hors de ses fonctions officielles, commet un délit contraire aux lois de l'Etat accréditaire, aucune mesure ne pourra être prise dans chaque cas particulier qui si les Parties contractantes en sont convenus au préalable.

...

Article 14

1. Les objets nécessaires au fonctionnement du consulat seront exempts des droits de douane.

2. En ce qui concerne les biens qu'ils ont en leur possession ou qui leur auront été envoyés, le consul général, le consul, le vice-consul et l'attaché consulaire, ainsi que leurs conjoints et leurs enfants mineurs qui sont ressortissants de l'Etat accréditant, jouiront — sur la base de la réciprocité — de l'exemption douanière accordée aux diplomates affectés à la mission diplomatique de l'Etat accréditant. Les autres travailleurs du consulat, ainsi que leurs conjoints et leurs enfants mineurs qui sont ressortissants de l'Etat accréditant, jouiront de l'exemption douanière dans la même mesure que les employés de la mission diplomatique de l'Etat accréditant lesquels remplissent des fonctions non diplomatiques.

PARTIE III

ATTRIBUTIONS DES CONSULS

Article 15

Dans ses fonctions, le consul contribuera à l'approfondissement des relations politiques, économiques et culturelles entre les Parties contractantes.

Article 16

1. Le consul sera habilité à protéger les droits des ressortissants de l'Etat accréditant (personnes physiques et morales) et à représenter leurs intérêts. A cette fin, il pourra s'adresser directement aux tribunaux et aux autres autorités de sa circonscription.

2. Le consul aura le droit de représenter ses nationaux, sans aucune autorisation spéciale, devant les tribunaux et les autres autorités de l'Etat accréditaire si, par suite de leur absence ou pour d'autres raisons fortes, les personnes représentées ne sont pas en mesure de défendre en personne leurs droits et leurs intérêts ou de désigner leur fondé de pouvoir. La présente disposition ne portera pas atteinte aux lois de l'Etat accréditaire sur le recours obligatoire au ministère d'avocat.

...

Article 21

1. Le consul aura le droit d'effectuer les actes suivants, à condition qu'ils ne soient pas contraires aux lois de l'Etat accréditaire:

a) S'acquitter, conformément aux lois de l'Etat accréditant, des fonctions de notaire. Mais en ce qui concerne les biens immeubles, il ne pourra s'acquitter que de telles fonctions de notaire dont les conséquences juridiques se produisent sur le territoire de l'Etat accréditant;

b) Préparer et certifier des traductions de documents;

c) Légaliser des documents établis ou certifiés dans l'Etat accréditaire

ou dans l'Etat accréditant, ainsi que des documents établis ou certifiés dans un tiers Etat au sujet de ressortissants de l'Etat accréditant;

d) Recevoir en dépôt de l'argent, des documents et d'autres biens appartenant à des ressortissants de l'Etat accréditant;

e) Effectuer d'autres actes administratifs ainsi que des actes relatifs à la navigation.

2. Les documents visés au paragraphe 1 du présent article, établis, certifiés ou légalisés par le consul conformément aux lois de l'Etat accréditant, seront considérés dans l'Etat accréditaire comme ayant la même valeur juridique et la même force probante que s'ils avaient établis, certifiés ou légalisés par les autorités de l'Etat accréditaire.

NOTE. — Les autres dispositions de cette Convention sont substantiellement identiques aux dispositions correspondantes de la Convention entre l'URSS et la République démocratique allemande (Convention n° 35 reproduite plus haut).

41. Consular Convention¹ between the Union of Soviet Socialist Republics and the People's Republic of China, signed at Peking, on 23 June 1959²

. . .

III

CONSULAR FUNCTIONS

. . .

Article 18

If a citizen of the sending country dies within the consul's district, the competent authorities of the district shall notify the consul thereof, and shall also inform him of such measures as they have taken or are preparing to take with regard to the deceased's estate.

Article 19

Consuls may request from the competent organs of the receiving country information concerning the inventory, safeguarding and sealing of estates of deceased citizens of the sending country.

Article 20

The movable or immovable estate in the territory of one of the Contracting Parties of a deceased citizen of the other Party shall be subject to the law of the country in which such estate is situated. Escheated movables shall, however, be delivered to the consul of the country of which the deceased person was a citizen.

NOTE: The other provisions of this Convention are similar to the corresponding provisions of the Convention between the Union of Soviet Socialist Republics and the German Democratic Republic (Convention No. 35 above).

¹ United Nations, *Treaty Series*, vol. 356, p. 98.

² Came into force on 19 December 1959.

SUBJECT INDEX

I. Consular intercourse

DEFINITIONS

Sending State

Treaty No. 24, art. 2, para. 1; treaty No. 27, art. 2, para. 1; treaty No. 29, art. 2, para. 1; treaty No. 30, art. 2.

Receiving State

Treaty No. 24, art. 2, para. 2; treaty No. 27, art. 2, para. 2; treaty No. 29, art. 2, para. 2; treaty No. 30, art. 2.

Territory

Treaty No. 24, art. 2, para. 3; treaty No. 27, art. 2, para. 3; treaty No. 29, art. 2, para. 3.

National

Treaty No. 24, art. 2, para. 4; treaty No. 27, art. 2, para. 4; treaty No. 29, art. 2, para. 4; treaty No. 36, art. 35, para. 6.

Vessel

Treaty No. 24, art. 2, para. 5; treaty No. 27, art. 2, para. 5; treaty No. 29, art. 2, para. 5; treaty No. 36, art. 35, para. 7; treaty No. 37, art. 1, para. 7.

Consul

Treaty No. 36, art. 35, para. 2; treaty No. 37, art. 1, para. 1.

Consular officer

Treaty No. 24, art. 2, para. 6; treaty No. 27, art. 2, para. 6; treaty No. 29, art. 2, para. 6; treaty No. 30, art. 2; treaty No. 37, art. 1, para. 2; treaty No. 38, art. 5, para. 2.

Consular employee

Treaty No. 24, art. 2, para. 7; treaty No. 27, art. 2, para. 8; treaty No. 29, art. 2, para. 7; treaty No. 30, art. 2; treaty No. 36, art. 35, paras. 4, 5; treaty No. 37, art. 1, para. 3; treaty No. 38, art. 5, paras. 3, 4.

Consular agent

Treaty No. 27, art. 2, para. 7; treaty No. 30, art. 2; treaty No. 36, art. 35, para. 3.

Consulate

Treaty No. 27, art. 2, para. 9; treaty No. 30, art. 2; treaty No. 36, art. 35, para. 1; treaty No. 37, art. 1, para. 4.

Consular office

Treaty No. 27, art. 2, para. 10; treaty No. 29, art. 2, para. 8.

Archives

Treaty No. 24, art. 2, para. 8; treaty No. 37, art. 1, para. 5.

Grave offence

Treaty No. 29, art. 2, para. 9.

ESTABLISHMENT OF CONSULAR RELATIONS

Treaty No. 1, art. 1; treaty No. 2, art. 1; treaty No. 3, art. 1; treaty No. 4, art. 1; treaty No. 7, art. 3; treaty No. 8, art. 4; treaty No. 9, art. 1; treaty No. 10, art. 1; treaty No. 11, art. 8; treaty No. 12, art. 1; treaty No. 14, art. 2; treaty No. 15, art. 2, 4; treaty No. 16, art. 20; treaty No. 20, art. 6; treaty No. 22, art. 3; treaty No. 23, art. 14; treaty No. 24, art. 3, para. 1; treaty No. 25, art. 4; treaty No. 28, art. 1; treaty No. 30, art. 3; treaty No. 31, art. 13; para. 1; treaty No. 32, art. 2, para. 1; treaty No. 34, art. 5, para. 1; treaty No. 35, art. 1; treaty No. 36, art. 1.

AGREEMENT CONCERNING THE CONSULAR DISTRICT

Treaty No. 1, art. 1; treaty No. 2, art. 1; treaty No. 3, art. 1; treaty No. 4, art. 1; treaty No. 7, art. 3; treaty No. 9, art. 1; treaty No. 11, art. 8; treaty No. 12, art. 1; treaty No. 14, art. 2, 3; treaty No. 15, art. 3; treaty No. 16, art. 20; treaty No. 20, art. 6; treaty No. 22, art. 3; treaty No. 23, art. 14; treaty No. 24, art. 3, paras. 2, 3, 4; treaty No. 25, art. 4; treaty No. 28, art. 1; treaty No. 30, art. 3; treaty No. 31, art. 13, para. 1; treaty No. 32, art. 2, paras. 1, 2, 3, 4; treaty No. 34, art. 5, para. 1.

CONSULAR COMMISSION

Treaty No. 1, art. 2; treaty No. 2, art. 3; treaty No. 3, art. 2; treaty No. 4, art. 2; treaty No. 10, art. 2; treaty No. 21, art. 1, para. 1; treaty No. 23, art. 14; treaty No. 24, art. 4, para. 2; treaty No. 30, art. 4; treaty No. 36, art. 2.

CLASSES OF CONSULS

Treaty No. 14, art. 2; treaty No. 23, art. 14; treaty No. 27, art. 2, para. 6; treaty No. 30, art. 2.

PROVISIONAL RECOGNITION

Treaty No. 10, art. 2; treaty No. 24, art. 4, para. 2; treaty No. 36, art. 2, para. 3.

EXEQUATUR

Treaty No. 1, art. 2; treaty No. 2, art. 3; treaty No. 3, art. 2; treaty No. 4, art. 2; treaty No. 9, art. 1; treaty No. 10, art. 2; treaty No. 12, art. 2; treaty No. 14, art. 3; treaty No. 21, art. 1, para. 1; treaty No. 22, art. 3; treaty No. 23, art. 14; treaty No. 24, art. 4, paras. 2, 4; treaty No. 25, art. 4; treaty No. 28, art. 2; treaty No. 30, art. 4; treaty No. 35, art. 2, para. 1; treaty No. 36, art. 2.

REFUSAL AND WITHDRAWAL OF THE EXEQUATUR

Treaty No. 1, art. 2; treaty No. 2, art. 3; treaty No. 11, art. 8; treaty No. 14, art. 3; treaty No. 21, art. 15; treaty No. 24, art. 4, para. 3, art. 5, para. 4; treaty No. 25, art. 4; treaty No. 28, art. 2; treaty No. 30, art. 4; treaty No. 35, art. 2, para. 2.

OBLIGATION TO NOTIFY THE AUTHORITIES OF THE RECEIVING STATE

Treaty No. 6, art. 4; treaty No. 7, art. 3; treaty No. 24, art. 4, para. 1; art. 6, para. 2; treaty No. 30, art. 8; treaty No. 36, art. 2, para. 1; art. 4.

AD INTERIM FUNCTIONS

Treaty No. 1, art. 7; treaty No. 3, art. 7; treaty No. 4, art. 6; treaty No. 6, art. 4; treaty No. 9, art. 7; treaty No. 10, art. 9; treaty No. 12, art. 3; treaty No. 14, art. 4; treaty No. 21, art. 1, para. 3; treaty No. 23, art. 14; treaty No. 24, art. 6, para. 1; treaty No. 28, art. 7; treaty No. 30, art. 6; treaty No. 35, art. 3; treaty No. 36, art. 5.

DUALITY OF DIPLOMATIC AND CONSULAR FUNCTIONS

Treaty No. 14, art. 28; treaty No. 19, art. 1; treaty No. 21, art. 1, para. 4; treaty No. 24, art. 6, para. 3; treaty No. 30, art. 5.

DISCHARGE OF CONSULAR FUNCTIONS ON BEHALF OF A THIRD STATE

Treaty No. 7, art. 3.

APPOINTMENT OF CONSULAR AGENTS

Treaty No. 1, art. 8; treaty No. 3, art. 8; treaty No. 4, art. 7; treaty No. 9, art. 2; treaty No. 12, art. 2; treaty No. 30, art. 7; treaty No. 36, art. 3.

CONSULAR FUNCTIONS

Treaty No. 1, art. 8-15; treaty No. 2, art. 2, 7-12; treaty No. 3, art. 8, 9, 13-15; treaty No. 4, art. 7, 12-22; treaty No. 6, art. 10; treaty No. 9, art. 8-28; treaty No. 10, art. 10-15, 17; treaty No. 11, art. 10; treaty No. 12, art. 10, 11, 13-21; treaty No. 13, art. 19; treaty No. 14, art. 15-27; annex to art. 20, paras. 1-7, 9, 10-13, 19; treaty No. 16, art. 17, 19, 21; treaty No. 17, art. 12; treaty No. 18, art. 6, 9; treaty No. 19, art. 6, 9, 11; treaty No. 20, art. 6; treaty No. 21, art. 7, 10; treaty No. 23, art. 17-30; treaty No. 24, art. 15-28; treaty No. 27, art. 27, 40, 44; treaty No. 28, art. 11-16; treaty No. 29, art. 28, 29; treaty No. 30, art. 7, 25-43; treaty No. 31, art. 19; treaty No. 32, art. 31; treaty No. 33, art. 46, 47, 49, 50; treaty No. 34, art. 6, 13, 14, 15; treaty No. 35, art. 10-24; treaty No. 36, art. 16-31; treaty No. 37, art. 20, 26, 27; treaty No. 38, art. 31, 32; treaty No. 39, art. 21-26; treaty No. 40, art. 15, 16, 21; treaty No. 41, art. 18, 19, 20.

WAR OR BREAKING OFF OF DIPLOMATIC RELATIONS

Treaty No. 14, art. 8; treaty No. 27, first protocole of signature; treaty No. 29, first protocole of signature.

TERMINATION OF CONSULAR FUNCTIONS

Treaty No. 10, art. 18; treaty No. 21, art. 15; treaty No. 35, art. 2, para. 2.

II. Privileges and immunities of consuls**PROTECTION AND IMMUNITIES OF CONSULS AND THEIR STAFF**

Treaty No. 1, art. 3; treaty No. 2, art. 3, 14; treaty No. 3, art. 2; treaty No. 4, art. 23; treaty No. 7, art. 3; treaty No. 8, art. 5; treaty No. 9, art. 7, 29; treaty No. 10, art. 3, 4; treaty No. 11, art. 8; treaty No. 12, art. 22; treaty No. 14, art. 14; treaty No. 15, art. 2; treaty No. 16, art. 20; treaty No. 21, art. 1, para. 2; treaty No. 22, art. 3, 4; treaty No. 24, art. 5, paras.

2, 3; treaty No. 25, art. 4; treaty No. 28, art. 2, 17; treaty No. 30, art. 4; treaty No. 31, art. 13, para. 1; treaty No. 34, art. 5, para. 2; treaty No. 35, art. 4; treaty No. 36, art. 6.

PERSONAL INVIOLABILITY

Treaty No. 3, art. 3; treaty No. 6, art. 8; treaty No. 9, art. 4; treaty No. 10, art. 5; treaty No. 11, art. 8; treaty No. 12, art. 5; treaty No. 14, art. 11; treaty No. 23, art. 16; treaty No. 24, art. 11, para. 1. (*b*); treaty No. 26, art. 11, para. 1 (*b*); treaty No. 27, art. 15; treaty No. 28, art. 3, 6; treaty No. 29, art. 14; treaty No. 30, art. 16; treaty No. 32, art. 12; treaty No. 38, art. 8, paras. 2, 3; treaty No. 39, art. 7, paras. 2, 3.

IMMUNITY FROM JURISDICTION

Treaty No. 8, schedule II (*b*); treaty No. 9, art. 4; treaty No. 12, art. 4; treaty No. 14, art. 10; treaty No. 17, art. 6; treaty No. 11, para. 1 (*a*), 2; treaty No. 26, art. 11, para. 1 (*b*); treaty No. 27, art. 14, paras. 1, 2; art. 15; treaty No. 29, art. 12, paras. 5, 6; 13, paras. 1, 2; treaty No. 30, art. 15; treaty No. 31, art. 18; treaty No. 35, art. 6; treaty No. 36, art. 11; treaty No. 37, art. 11; treaty No. 38, art. 8, para. 1; treaty No. 39, art. 7, para. 1; treaty No. 40, art. 10.

JURISDICTION OF THE STATE OF RESIDENCE

Treaty No. 2, art. 2; treaty No. 3, art. 3; treaty No. 8, schedule II (*b*); (*c*) (*i*), (*ii*), (*iii*); treaty No. 9, art. 4; treaty No. 10, art. 4, 5; treaty No. 11, art. 8; treaty No. 21, art. 2, para. 3; treaty No. 24, art. 11, para. 2; art. 23, para. 1; treaty No. 27, art. 15, para. 2; art. 40; treaty No. 29, art. 13, para. 2, art. 14; treaty No. 32, art. 32.

EXEMPTION FROM MILITARY AND PERSONAL SERVICE

Treaty No. 1, art. 3; treaty No. 2, art. 13; treaty No. 3, art. 3; treaty No. 4, art. 3; treaty No. 6, art. 8; treaty No. 9, art. 3; treaty No. 10, art. 6; treaty No. 12, art. 5; treaty No. 14, art. 7; treaty No. 24, art. 9; treaty No. 32, art. 11, paras. 7, 8; treaty No. 35, art. 8, 9.

EXEMPTION FROM TAXATION

Treaty No. 1, art. 3; treaty No. 2, art. 13; treaty No. 3, art. 3; treaty No. 4, art. 3; treaty No. 6, art. 8; treaty No. 9, art. 3; treaty No. 10, art. 6; treaty No. 11, art. 8; treaty No. 12, art. 5; treaty No. 14, art. 7; treaty No. 18, art. 3; treaty No. 19, art. 3; treaty No. 21, art. 3; treaty No. 23, art. 16; treaty No. 24, art. 12, 13; treaty No. 28, art. 3; treaty No. 29, art. 15, 16; treaty No. 30, art. 9, 10, 19, 20; treaty No. 31, art. 15, 16, 17; treaty No. 35, art. 8, 9; treaty No. 36, art. 13, 14; treaty No. 38, art. 10.

EXEMPTION FROM CUSTOMS DUTIES

Treaty No. 1, art. 3; treaty No. 2, art. 13; treaty No. 5, art. 14; treaty No. 8 (*k*); treaty No. 9, art. 3; treaty No. 10, art. 16; treaty No. 12, art. 7; treaty No. 14, art. 9; treaty No. 18, art. 4; treaty No. 21, art. 5; treaty No. 23, art. 16; treaty No. 24, art. 14; treaty No. 29, art. 17; treaty No. 30, art. 19, 21, 22; treaty No. 31, art. 14, 17; treaty No. 35, art. 8, 9; treaty No. 36, art. 15; treaty No. 40, art. 14.

EXEMPTION FROM NATIONAL SECURITY LEGISLATION

Treaty No. 24, art. 11, para. 4; treaty No. 29, art. 13, para. 5; treaty No. 30, art. 18; treaty No. 32, art. 11, para. 5, 6, 8; treaty No. 36, art. 12.

ATTENDANCE AS WITNESSES IN COURTS OF LAW AND BEFORE THE ADMINISTRATIVE AUTHORITIES

Treaty No. 1, art. 4; treaty No. 3, art. 4; treaty No. 9, art. 4; treaty No. 10, art. 5; treaty No. 12, art. 4, paras. 2, 3; treaty No. 14, art. 12; treaty No. 23, art. 16; treaty No. 24, art. 10, para. 4; art. 11, para. 3; treaty No. 27, art. 16; treaty No. 28, art. 4; treaty No. 29, art. 12, paras. 5, 6; treaty No. 30, art. 17; treaty No. 35, art. 7; treaty No. 36, art. 11; treaty No. 37, art. 12.

COAT OF ARMS OF THE STATE

Treaty No. 1, art. 5; treaty No. 2, art. 4; treaty No. 3, art. 5; treaty No. 4, art. 4; treaty No. 9, art. 5; treaty No. 10, art. 7; treaty No. 12, art. 6; treaty No. 14, art. 5; treaty No. 23, art. 15; treaty No. 24, art. 8, para. 1; treaty No. 28, art. 3; treaty No. 30, art. 11; treaty No. 35, art. 5; treaty No. 36, art. 7, para. 1.

NATIONAL FLAG

Treaty No. 1, art. 5; treaty No. 3, art. 5; treaty No. 4, art. 4; treaty No. 9, art. 5; treaty No. 10, art. 7; treaty No. 12, art. 6; treaty No. 14, art. 5; treaty No. 23, art. 15; treaty No. 24, art. 8; para. 2; treaty No. 28, art. 3; treaty No. 30, art. 11; treaty No. 35, art. 5; treaty No. 36, art. 7, para. 2.

INVIOABILITY OF CONSULAR CORRESPONDENCE, ARCHIVES AND PREMISES

Treaty No. 1, art. 6; treaty No. 2, art. 5; treaty No. 3, art. 6; treaty No. 4, art. 5; treaty No. 9, art. 6; treaty No. 10, art. 7, 8; treaty No. 12, art. 8; treaty No. 14, art. 6; treaty No. 23, art. 16; treaty No. 24, art. 8, paras. 3, 4, 5, 6, 7; art. 10, paras. 1, 3, 4; treaty No. 27, art. 13, paras. 1, 2, 4, 5; treaty No. 28, art. 5; treaty No. 30, art. 12, 13; treaty No. 31, art. 13, para. 2; treaty No. 35, art. 4, paras. 2, 3, 4; treaty No. 36, art. 8, 9, 10.

COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

Treaty No. 1, art. 9; treaty No. 2, art. 6; treaty No. 3, art. 9; treaty No. 4, art. 8; treaty No. 12, art. 10; treaty No. 14, art. 15; treaty No. 21, art. 7; treaty No. 23, art. 17; treaty No. 30, art. 12, 24; treaty No. 24, art. 15, para. 2; treaty No. 28, art. 9; treaty No. 35, art. 10, para. 2; treaty No. 36, art. 33.

COMMUNICATION WITH THE AUTHORITIES OF THE SENDING STATE

Treaty No. 8, schedule II (*j*); treaty No. 24, art. 10, para. 2; treaty No. 27, art. 13, para. 3; treaty No. 35, art. 4, paras. 5.

OBLIGATION OF THE STATE OF RESIDENCE IN CERTAIN SPECIAL CASES

Treaty No. 1, art. 11, 12, 14; treaty No. 2, art. 9, 10, 12; treaty No. 3, art. 14, 15; treaty No. 4, art. 19, 20, 22; treaty No. 6, art. 4; treaty No. 7, art. 3; treaty No. 9, art. 10, 24, 25, 26, 28; treaty No. 10, art. 12, 13, 17;

treaty No. 12, art. 12; treaty No. 14, art. 13, 22, 23, 24, annex to art. 20, paras. 1, 2, 3, 8, 9, 11, 12, 13; treaty No. 16, art. 17, 19, 21; treaty No. 23, art. 21, 22, 23, 26, 27, 28, 29; treaty No. 24, art. 16, 21, para. 2; art. 23, 25, paras. 2, 3, 27; treaty No. 27, art. 40; treaty No. 28, art. 10, 12, 16, protocole annexed to the treaty; treaty No. 29, art. 28, 29; treaty No. 30, art. 26, 31, 37, 38, 40; treaty No. 32, art. 32; treaty No. 33, art. 46, 49, 50; treaty No. 34, art. 6, 13, 14, 15; treaty No. 35, art. 17, 18, 22, 23; treaty No. 36, art. 27, 28, 30; treaty No. 37, art. 27; treaty No. 39, art. 21, 23, 26.

HONORARY CONSULS

Treaty No. 14, art. 2; treaty No. 23, art. 14, 16; treaty No. 28, art. 5, 6.