

N° 1093.

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**ALBANIE ET ITALIE**

Convention consulaire, signée à  
Rome, le 29 février 1924.

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Consular Convention, signed at  
Rome, February 29, 1924.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1093. — CONSULAR CONVENTION<sup>2</sup> BETWEEN ALBANIA AND ITALY, SIGNED AT ROME, FEBRUARY 29, 1924.

*French official text communicated by the Albanian and Italian Ministers for Foreign Affairs. The registration of this Treaty took place February 11, 1926.*

THE HIGH COUNCIL OF REGENCY OF ALBANIA and HIS MAJESTY THE KING OF ITALY, being desirous of ensuring for the Consular representatives of both States the immunities and privileges necessary for the exercise of their functions, have decided to conclude a Convention and have appointed as their Plenipotentiaries for this purpose :

## THE HIGH COUNCIL OF REGENCY OF ALBANIA :

His Excellency Feizi Bey ALIZOTTI, formerly Minister of Finance ;  
His Excellency Djafer VILLA, Secretary-General of the Ministry for Foreign Affairs ;

## HIS MAJESTY THE KING OF ITALY :

His Excellency Benito MUSSOLINI, President of the Council, Minister of the Interior and Minister for Foreign Affairs *ad interim* ;

Who, after exchanging their full powers, found in good and due form, have agreed on the following articles :

*Article 1.*

Each of the two Contracting Parties shall be entitled to establish Consulates-General, Consulates, Vice-Consulates or Consular Agencies in the ports, towns and other places within the territory of the other Party.

The Governments of the two Contracting Parties reserve, however, the right to draw up a list of the localities in which it is not convenient for them to admit consular officials, it being understood that in this respect they will not impose on each other any restrictions which are not imposed on all other nations.

The said representatives shall be reciprocally admitted and recognised on presentation of their official papers in accordance with the rules and regulations laid down in the respective countries. The *exequatur* required to enable them freely to exercise their functions shall be issued free of charge and as soon as possible. On the production of this *exequatur* the supreme authorities in the place of their residence shall immediately take all necessary steps to enable them to carry out the duties appertaining to their office and to ensure that they shall enjoy all the exemptions, prerogatives, immunities, honours and privileges attached thereto.

Consuls-General and Consuls may appoint Vice-Consuls or Consular agents in the towns or localities in their consular districts subject to the approval of their own Government. These agents

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The exchange of ratifications took place at Rome, January 21, 1926.

may be citizens of either of the two countries, or foreigners, and they shall be provided with a certificate issued by the Consul who has appointed them and under whose orders they are to be placed. They shall enjoy the same privileges and immunities as those enjoyed by the agents of the same category of the most-favoured nation.

They may not exercise their functions until they have been recognised by the local Government.

*Article 2.*

Italian consular officers in Albania and Albanian consular officers in Italy shall enjoy, subject to entire reciprocity, all the privileges, exemptions and immunities which are, or which may in the future be, enjoyed by consular officials of the same rank of the most-favoured nation. Consular officials *de carrière* of the two countries shall have the right to telegraph in cipher to their Government and Legation.

They shall be entitled to display over the entrance to their consulate or vice-consulate a shield with the arms of their State and the inscription: *Consulate or Vice-Consulate of . . . . .*

They shall also be entitled to fly the flag of their country from the consulate buildings on public festivals and other similar occasions.

It is understood that these external signs may never be interpreted as constituting a right of asylum. They shall mainly serve to indicate the consular office to nationals of the country it represents.

Consuls-General, Consuls and Vice-Consuls or consular agents shall also be entitled to fly their national flag on boats maintained by them in ports for the exercise of their official duties.

*Article 3.*

Should the judicial authorities of one of the two States desire to obtain from a Consul-General, Consul, Vice-Consul or Consular Agent, who is a citizen of the State which has appointed him and is not engaged in any trade, a legal declaration or deposition, the authorities shall ask him in writing to appear before them. If the officer in question is prevented from so doing by his official duties, they shall ask him to furnish his testimony in writing or shall proceed to his residence or chancellery to obtain his oral testimony.

The officer in question must comply with this request as soon as possible.

*Article 4.*

The consular archives shall be inviolable and under no pretext whatever shall the local authorities have the right to examine or seize the documents forming part thereof.

These documents must always be kept entirely separate from the books or documents relating to the trade or industry in which consular officers may be engaged.

*Article 5.*

Consuls-General, Consuls and Vice-Consuls of the two States, or their deputies, shall be entitled to receive in their chancellery, or at the domicile of the parties, any depositions which merchants or other nationals of their State may have to make.

They shall also be entitled to receive, as notaries, the testamentary dispositions of their nationals.

They shall further be entitled to register in their chancelleries all contractual acts concluded between one or more of their nationals and other persons of the country in which they reside, and any contractual act concerning the citizens of the latter country, provided that such acts relate to

property or business to be transacted in the territory of the nation which has appointed the consul or agent before whom the acts are concluded.

Copies of or extracts from these acts, duly certified by the above-mentioned officers, and sealed with the official seal of the consulate, vice-consulate or consular agency, shall be admitted both in and out of court, both in Italy and in Albania, as having the same force and authority as if they had been concluded in the presence of a notary or other public official of either country, provided that they have been drawn up in the form prescribed by the laws of the State which has appointed the consuls, vice-consuls or consular agents, have been duly stamped and registered, and comply with all other relevant formalities in force in the country in which the act is to become operative.

Should any doubt arise concerning the authenticity of copies of public acts registered in the chancellery of one of the consular offices, the consular authority may not refuse to compare them with the originals if the person concerned makes a request to that effect and the said person may, if he so desires, be present when such comparison is made.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents may translate and certify documents of every kind issued by the authorities or officials of their country, and these translations shall, in the country of their residence, have the same force and authority as if they had been made by sworn interpreters of that country.

#### Article 6.

In the case of the decease of a national of one of the Contracting Parties in the territory of the other, the local authorities shall at once notify the Consul-General, Consul, Vice-Consul or Consular Agent of the district in which the death occurred. Similarly, if the Consular officers are the first to be informed of the death, they shall notify the local authorities.

Should an Italian in Albania, or an Albanian in Italy, die without making a will or appointing a testamentary executor, or should the natural or testamentary heirs be minors, or incapable of managing their affairs, or absent, or should the appointed testamentary executors not happen to be in the locality in which the succession is opened, the Consul-General, Consul, Vice-Consul or Consular Agent appointed by the nation of which the deceased was a national shall be empowered to accomplish successively the following acts :

(1) To affix seals, either on his own initiative or at the request of the parties concerned, on all chattels, movable property and papers of the deceased, informing the competent local authorities of his action, the authorities being entitled to be present and to affix their seals also.

Neither the latter seals nor those affixed by the Consular Officer may be removed unless the local authorities are present.

If, however, the Consul or Vice-Consul has sent a notification to the local authorities, inviting them to be present at the removal of the double seals, and the latter have not appeared within forty-eight hours from the time of the receipt of the notification, the officer may remove the seals alone.

(2) To draw up an inventory of all the goods and chattels of the deceased, in the presence of the local authorities, if, after receiving the notification, they have decided to be present when this is done.

The local authorities shall append their signatures to the record of the proceedings, drawn up in their presence, and no fees of any sort may be levied by them for the execution of this official act.

(3) To order the sale by public auction of all the movable property forming part of the estate which is liable to deterioration, or which it may be difficult to preserve, as well as crops and effects which might at the time be sold under favourable conditions.

(4) To deposit in a safe place the effects and securities included in the inventory and to retain in the consular building or entrust to a merchant of unimpeachable integrity any sums paid in settlement of debts and the amount of any income collected.

These deposits shall be made in both cases by agreement with the local authorities who have been present at the former transactions if, as a result of the announcement referred to in the following paragraph, nationals of the country or of a third Power come forward as being concerned in the testamentary succession or *successio ab intestato*.

(5) To announce deaths, and to convene, if necessary, through the columns of the local press and the press of the country in which the person died, all creditors who may have claims against the testamentary succession or *successio ab intestato* in order that they may submit proof of their respective claims within the period laid down in the legislation of each of the two countries.

Should persons having claims against the testamentary succession or *successio ab intestato* come forward, their claims must be paid within fifteen days after the completion of the inventory if there are funds available for this purposes, and, if not, as soon as the necessary funds have been obtained by the most suitable means, or within a period fixed by common agreement between the consuls and the majority of the persons concerned.

(6) To administer and liquidate the testamentary succession of *successio ab intestato* themselves, or through a person appointed by them on their own responsibility, without intervention on the part of the local authorities unless nationals of the country or of a third Power have claims with regard to the succession; for, in the latter case, if difficulties occur concerning, for instance, some claim giving rise to dispute, Consuls-General, Consuls, Vice-Consuls and Consular Agents are not competent to solve or settle such difficulties, and the courts of the country must deal with them and take such measures or decisions as may be necessary.

The said Consular agents will then act as representatives of the testamentary succession or *successio ab intestato*, *i. e.*, while continuing to administer the succession and maintaining the right to liquidate it finally, together with the right to sell the effects under the conditions laid down above, they shall watch over the interests of the heirs and shall be entitled to appoint counsel to uphold their rights in the courts. It is understood that they will hand over to the courts all papers and documents likely to throw light on the question submitted to them for judgment.

When judgment has been given, Consuls-General, Consuls, Vice-Consuls or Consular Agents must conform thereto unless they appeal against the decision, and they will then continue, as of right, to liquidate the estate, if such liquidation has been suspended pending the settlement of the dispute.

(7) To appoint, if necessary, guardians or trustees in conformity with the laws of the respective countries.

(8) To liquidate and receive the payment of loans, annuities or grants made to their nationals in accordance with the provisions of social insurance laws.

#### Article 7.

Should an Italian in Albania or an Albanian in Italy die in a locality in which there is no Consular Officer of his nationality, the competent local authorities shall proceed, in conformity with the law of the country, to draw up an inventory of the effects left by the deceased and shall furnish an account, as soon as possible, of the results of their action to the Embassy or Legation concerned or the Consulate or Vice-Consulate nearest to the place in which the testamentary succession or the *successio ab intestato* is opened.

As soon as the Consular Officer nearest to the locality in which the said *successio ab intestato* or testamentary succession is opened has arrived on the spot or has sent a representative thither, the local authorities who have taken action must conform to the provisions of the preceding article.

#### Article 8.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two States shall alone be competent to make official inventories and carry out other transactions for the safeguarding of

property and articles of any description left by seamen and travellers of the nationality of their country either during the voyage or after arrival at the port of destination.

*Article 9.*

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be entitled either to proceed in person or to send delegates on board vessels of their nationality as soon as the latter have been admitted to free pratique ; to question the captain and the crew ; to examine the ship's papers ; to receive statements concerning the voyage or the vessels, their destination and incidents which occurred during the voyage ; and, finally, to draw up the manifests and facilitate the departure of the vessels, and accompany the captain or the crew to the courts or administrative offices with a view to acting as interpreters and intermediaries for them in any business which they may have to transact or any requests which they may have to make.

Officers of the law and customs guards and employees may not, under any circumstances, conduct inspections or searches on board vessels without giving previous notice to the consular authorities of the country whose flag the vessel is flying, in order that the latter may be able to be present at the inspection.

The said officers of the law or customs officials must also notify the Consular authorities in due time of depositions which the captains and crews may have to make before the Courts or local administrative officials, in order that the Consular officials may be present to avoid all error or misunderstanding which might impair the administration of justice.

The notices sent to Consular officers shall indicate the exact time for the proceedings, and if the officers neglect to attend personally or send representatives to the spot, proceedings shall be taken in their absence.

*Article 10.*

In any matter connected with the policing of ports, the loading and unloading of vessels and the safety of goods, property and chattels, the laws, ordinances and regulations of the country shall be observed.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be solely responsible for the maintenance of internal order on board the merchant vessels of their country ; they shall themselves settle disputes of any kind between the captain, officers and crew and particularly disputes concerning pay and the fulfilment of contracts concluded between the said persons.

The local authorities may only intervene when disorders arising on board vessels are such as to disturb public peace and order on land or in the port, or when one of their own nationals or a person who is not a member of the crew is concerned in the case.

In all other cases the local authorities shall merely afford all assistance to Consuls, Vice-Consuls or Consular Agents, if requested to do so, with a view to arresting and escorting to prison any person entered in the ship's roll as a member of the crew, whenever, for any reason, the said Consular officials may consider such action necessary.

*Article 11.*

Consuls-General, Consuls, Vice-Consuls or Consular Agents may cause to be arrested and sent back either to the vessel or to his own country, any sailor or other person who is a member, in any capacity whatsoever, of the crew of vessels of their State who may have deserted.

For this purpose they must apply in writing to the competent local authorities and prove, by submitting the ship's papers or the roll of the crew, or if the vessel has sailed, by producing a certified copy of these documents, that the persons claimed are really members of the crew. On receiving this duly substantiated request, the authorities may not refuse to hand over deserters.

Moreover, the said Consular officers must be afforded all help and assistance in seeking-out and arresting the deserters, who shall be imprisoned in the country and shall be detained there at the request and expense of the Consul or Vice-Consul until the latter finds some opportunity for sending them away.

Such imprisonment shall not exceed three months. Thereafter, the Consul will be notified three days in advance, and the prisoner shall be set at liberty and shall not be liable to further imprisonment on the same charge.

If, however, the deserter has committed an offence ashore, the local authorities may suspend extradition until the Courts have passed sentence and the sentence has been fully served.

The Contracting Parties agree that seamen or other members of the crew who are nationals of the country in which desertion occurs shall be exempted from the provisions of the present article.

#### *Article 12.*

In the absence of any stipulation to the contrary between shipowners, freighters and underwriters, the question of damage at sea to vessels of the two States, whether these vessels enter into the respective ports voluntarily or owing to unavoidable circumstances shall be settled by the Consuls-General, Consuls, Vice-Consuls or Consular Agents of the State whose flag the vessel is flying, unless nationals of the country in which these consular officers are resident or nationals of a third Power are concerned in the question. In such cases, failing amicable arrangement between all the parties concerned, the question of damage must be settled by the local authorities.

#### *Article 13.*

Should one of the vessels belonging to the Government or nationals of one of the Contracting Parties be shipwrecked or run aground on the coast of the other Party, the local authorities shall communicate the fact to the Consul-General, Consul, Vice-Consul or Consular Agent of the district or the Consul-General, Consul, Vice-Consul or Consular Agent nearest to the scene of the accident

All operations connected with the salvage of Albanian vessels which may be shipwrecked or run aground within the territorial waters of Italy shall be directed by the Consuls-General, Consuls, Vice-Consuls or Consular agents of Albania; similarly all operations connected with the salvage of Italian vessels which may be shipwrecked or run aground within the territorial waters of Albania shall be directed by the Consuls-General, Consuls, Vice-Consuls or Consular Agents of Italy.

In either State the local authorities shall only intervene to assist the consular representatives, maintain order, guarantee the interests of salvors who are not members of the crew and ensure the execution of the provisions to be observed for the entry and exit of goods salvaged.

In the absence and until the arrival of the Consul-General, Consul, Vice-Consul or Consular Agent, or the person delegated by him for this purpose, the local authorities shall take all necessary steps to protect individuals and articles salvaged from the shipwreck.

No duties of any kind shall be leviable in connection with the action of the local authorities in these various cases, except such as are occasioned by salvage operations and the preservation of articles salvaged and duties to which national vessels and boats would be subject in similar circumstances.

In case of doubt concerning the nationality of the vessel shipwrecked, the measures referred to in this article shall be taken solely by the local authorities.

The Contracting Parties agree, moreover, that goods and articles salvaged shall not be required to pay any Customs duty unless they are intended for internal consumption.

*Article 14.*

In order to enable Albanian emigrants from, or in transit through, Albanian territory to proceed to Italian ports, and to assist emigrants returning to their country through these ports, Italian shipping companies shall be entitled to establish, subject to the legislation of the country, agencies for the sale of tickets in Albania and to carry on their business of ensuring direct transport from Italian ports to the ports to which the emigrants are proceeding.

The protection accorded by Italy to Italian emigrants shall also be accorded by the Italian Government to Albanian emigrants, both in Italy and on Italian vessels.

*Article 15.*

The two Contracting Parties undertake to enter as soon as possible into negotiations with a view to the conclusion of one or more special agreements for ensuring in the case of the workers of one of the two countries in the territory of the other and their heirs the same treatment as that accorded to nationals in the matter of the protection of labour, medical and hospital relief, social insurance against various risks, education and the right to form trade associations and organisations, and for regulating the method of notifying and transmitting judicial acts and the extradition of criminals.

*Article 16.*

The present Convention shall be ratified and the ratifications shall be exchanged at Rome as soon as possible.

It shall come into force on the date of the exchange of ratifications and shall remain in force for ten years as from that date. Should neither of the contracting Parties, six months before the expiration of this period, notify its intention of denouncing the Convention, the Convention shall remain in force for six months as from the date on which one or other of the High Contracting Parties may have denounced it.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done in duplicate in Rome on February 29, 1924.

(L. S.) BENITO MUSSOLINI.

(L. S.) FEÏZI ALIZOTTI.

(L. S.) DJAFER VILLA.