

N° 1148.

FINLANDE ET PAYS-BAS

Convention concernant l'admission, les droits, devoirs et immunités des fonctionnaires consulaires finlandais dans les principaux ports des Indes néerlandaises, du Surinam et du Curaçao, signée à La Haye, le 9 mars 1925.

FINLAND AND THE NETHERLAND

Agreement concerning the Admission and the Rights, Duties and Immunities of Finnish Consular Officials in the Principal Ports of the Dutch Indies, Surinam and Curaçao, signed at The Hague, March 9, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 1148. — AGREEMENT² BETWEEN FINLAND AND THE NETHERLANDS CONCERNING THE ADMISSION AND THE RIGHTS, DUTIES AND IMMUNITIES OF FINNISH CONSULAR OFFICIALS IN THE PRINCIPAL PORTS OF THE DUTCH INDIES, SURINAM AND CURAÇAO, SIGNED AT THE HAGUE, MARCH 9, 1925.

French official text communicated by the Netherlands Minister at Berne and by the Finnish Minister for Foreign Affairs. The registration of this Agreement took place April 16, 1926.

HER MAJESTY THE QUEEN OF THE NETHERLANDS, being desirous of strengthening the bonds of friendship which exist between THE KINGDOM OF THE NETHERLANDS and THE REPUBLIC OF FINLAND, and of ensuring the most ample development of the commercial relations between the two peoples, and desirous of meeting the wishes of the FINNISH GOVERNMENT, has consented to admit Finnish, consular officials to all the principal ports of the Dutch Indies, Surinam, and Curaçao, provided however, that this concession shall form the subject of a special convention which shall establish clearly and precisely the rights, duties and immunities of these consular officials in the said territories.

For this purpose HER MAJESTY THE QUEEN OF THE NETHERLANDS has appointed as Plenipotentiary :

His Excellency Jonkheer H. A. VAN KARNEBEEK, Her Minister for Foreign Affairs ;

AND THE PRESIDENT OF THE REPUBLIC OF FINLAND has appointed as Plenipotentiary :

M. Yrjö SAASTAMOINEN, Finnish Chargé d'Affaires at The Hague,

Who, having been duly authorised for this purpose, have agreed upon the following Articles :

Article 1.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the Republic of Finland shall be admitted to all the ports of the Dutch Indies, Surinam, and Curaçao, which are open to the vessels of all nations.

Article 2.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the Republic of Finland shall be regarded as entrusted with the duty of protecting commerce carried on by their nationals

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at The Hague, February 27, 1926.

within their respective consular districts. They shall reside in the port of the Colony indicated in their commissions, and shall be subject to the civil and penal laws in force in the Colony, except as regards the special provisions in their favour contained in the present Agreement.

Article 3.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may only enter on their duties and enjoy their consular immunities after they have submitted to the Government of Her Majesty the Queen of the Netherlands, by the procedure specified in Article 6, second paragraph, a commission, which must indicate their consular district and their place of residence.

As soon as the Governor-General of the Dutch Indies, the Governor of Surinam or the Governor of Curaçao, as the case may be, shall have countersigned their exequatur, the said consular officials of all ranks shall be entitled to receive such protection from the Government and such assistance from the local authorities as may be necessary for the free exercise of their functions.

The Royal Government reserves the right to withdraw the exequatur, or to have it withdrawn by the Governor-General or Governor in question, stating its reasons for taking such action.

Article 4.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be authorised to affix over the door of their residence, or of the building in which they have established their general offices, a shield bearing the arms of their country, and the inscription: "Consulate-General, Consulate, Vice-Consulate, or Consular Agency of the Republic of Finland".

It is understood that no right of asylum may be claimed in virtue of this external sign, and that the house and the persons residing therein shall not be entitled to exemption from action taken by the local judicial authorities.

Article 5.

It is agreed, however, that archives and documents concerning consular affairs shall be exempt from all inspection, and that no civil, military, police or judicial authority may inspect them, sequester them, or ascertain their contents, for any reason or on any grounds whatsoever.

Article 6.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall not possess any diplomatic status.

No request may be addressed to the Netherlands Government otherwise than through the accredited diplomatic representative of the Republic of Finland at The Hague.

In urgent cases, Consuls-General, Consuls, Vice-Consuls or Consular Agents may communicate direct with the Governor-General or Governor, explaining the urgency of the case and giving the reason for which the matter in question could not be submitted to their lower officials, or else showing that previous requests submitted to these authorities had proved ineffective.

Article 7.

A passport, delivered or *visé* by consular officials shall not in any way exempt the bearer from the obligation to provide himself with all documents required under local laws or regulations to enable him to travel or settle in the Dutch Indies, Surinam, or Curaçao, nor can the possession

of such a passport in any way curtail the exercise of the right possessed by the Government of the Colony to prohibit the holder of a passport from remaining in that Colony or to order his deportation.

Article 8.

All operations connected with the salvage of Finnish vessels wrecked on the coast of the Dutch Indies, Surinam, or Curaçao, shall be under the direction of the Consuls-General, Consuls, Vice-Consuls or Consular Agents of the Republic of Finland.

The local authorities shall intervene solely with a view to maintaining order, protecting the interests of the salvagers, if the latter do not belong to the crew of the wrecked vessel, and ensuring the observance of such formalities as have to be complied with in connection with salvaged goods entering or leaving the country.

During the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls or Consular Agents, the local authorities shall take all necessary steps to protect the individuals concerned, and to safeguard the goods which have been shipwrecked.

It is agreed, moreover, that no customs duties shall be levied on salvaged goods unless the latter are admitted for internal consumption.

Article 9.

Finnish Consuls-General, Consuls, Vice-Consuls or Consular Agents may request the local authorities to assist them in capturing, arresting and imprisoning all deserters from Finnish merchant vessels, so far as the extradition of deserters from such vessels has been provided for by treaty.

For this purpose they shall apply in writing to the proper local authorities, and if it can be proved from the ship's papers, the roll-call of the crew or other authentic documents, that the individuals claimed were members of the crew in question, they shall be surrendered, except in the case of Netherlands subjects.

The local authorities shall be bound to employ all means at their disposal to capture deserters. The authorities shall place such deserters, after arrest, at the disposal of the consular authorities, and shall detain them at the request and expense of the persons claiming them until the latter shall find an opportunity of re-embarking them on board their vessel or on another vessel of the same country. If, however, such deserters should not be sent back within three months of their capture, they shall be set at liberty and shall not be liable to re-arrest on the same charge.

It is understood, however, that a deserter who has committed any crime, misdemeanour or offence, shall not be surrendered until the Colonial or Home Court before which the case has been brought has passed sentence and until such sentence has been carried out.

Article 10.

If a Finnish national should die without known heirs or testamentary executors, the Netherlands authorities entrusted with the administration of the succession in accordance with the local laws shall inform the consular officials, in order that the latter may forward the necessary information to the parties concerned.

Article 11.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of Finland shall alone be competent to maintain order on board merchant vessels of their country, if requested to do so by the captain or officer acting in his place.

They shall be the sole authorities competent to deal with all disputes which may have arisen at sea, or which may arise in port, between the captain, officers, and members of the crew, including disputes relating to the payment of wages and the fulfilment of mutual contractual obligations.

The Netherlands Courts and other authorities may not, for any reason whatever, intervene in these disputes unless they are calculated to disturb public peace and security ashore or in port, or unless persons other than the crew are involved therein.

Article 12.

So far as Consuls-General, Consuls, Vice-Consuls and Consular Agents of the Netherlands in Finland enjoy the same privileges, on a basis of reciprocity, all Finnish Consuls-General, Consuls, Vice-Consuls and Consular Agents, not carrying on any trade or occupying any public office or exercising any profession in addition to their consular duties shall be exempt from compulsory billeting, from all personal taxes, and from all general or municipal taxes of a personal character, unless the consular officials in question are Netherlands subjects or were, at the time of their appointment, already resident in the Kingdom of the Netherlands or its territories overseas. This exemption can never be extended to Custom's duties or any other taxes, direct or indirect.

Article 13.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of Finland in the Dutch Indies Surinam, and Curaçao, shall enjoy all other privileges, exemptions and immunities which may be granted in the future to officials of the same category belonging to the most favoured nation.

Article 14.

The present Agreement shall remain in force for a term of five years, dating from the ninetieth day after the exchange of ratifications.

Unless either of the High Contracting Parties shall notify the other, at least one year before the expiration of this period, of its intention to denounce the present Convention, the latter shall remain in force for one year after the date on which it has been denounced by one of the High Contracting Parties.

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

Done in duplicate at The Hague on March 9, 1925.

(L. S.) VAN KARNEBEEK.

(L. S.) YRJÖ SAASTAMOINEN.