

No. 7318

**CZECHOSLOVAKIA
and
DEMOCRATIC REPUBLIC OF VIET-NAM**

**Consular Convention. Signed at Hanoi, on 14 January
1963**

Official texts: Czech and Vietnamese.

Registered by Czechoslovakia on 24 June 1964.

**TCHÉCOSLOVAQUIE
et
RÉPUBLIQUE DÉMOCRATIQUE DU VIET-NAM**

Convention consulaire. Signée à Hanoï, le 14 janvier 1963

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Enregistrée par la Tchécoslovaquie le 24 juin 1964.

[TRANSLATION — TRADUCTION]

No. 7318. CONSULAR CONVENTION¹ BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE DEMOCRATIC REPUBLIC OF VIET-NAM. SIGNED AT HANOI, ON 14 JANUARY 1963

The President of the Czechoslovak Socialist Republic and the President of the Democratic Republic of Viet-Nam, endeavouring, in conformity with the desire and interests of the peoples of the two States, further to broaden mutual relations and general co-operation, particularly in the sphere of consular relations, on the basis of the principles of proletarian internationalism, have decided to conclude this Consular Convention and for this purpose have appointed as their plenipotentiaries :

The President of the Czechoslovak Socialist Republic:

Cěněk Herold, Ambassador Extraordinary and Plenipotentiary of the Czechoslovak Socialist Republic in the Democratic Republic of Viet-Nam;

The President of the Democratic Republic of Viet-Nam :

Nguyen Co Thach, Deputy Minister for Foreign Affairs of the Democratic Republic of Viet-Nam,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

I. ESTABLISHMENT OF CONSULATES, APPOINTMENT AND ADMISSION OF CONSULS

Article 1

1. Each Contracting Party may establish consulates-general and consulates (hereinafter referred to as "consulates") in the territory of the other Contracting Party and may appoint consuls-general, consuls and vice-consuls (hereinafter referred to as "consuls").

2. The places at which consulates are to be established and the consular districts shall be determined by agreement between the Contracting Parties.

Article 2

1. Before sending a consul to enter upon his duties, the sending State shall request, through the diplomatic channel, the consent of the receiving State to the appointment of the person in question.

¹ Came into force on 8 April 1964, the date of the exchange of the instruments of ratification at Prague, in accordance with article 25.

2. The diplomatic mission of the sending State shall present the consular commission to the Ministry of Foreign Affairs of the receiving State. The consular commission shall show the seat of the consulate and the consular district as determined by agreement between the two Parties.

3. The consul shall enter upon his duties after the issue of an exequatur by the receiving State.

Article 3

1. In the event that a consul is temporarily absent or is unable for some other reason to perform his official duties, or in the event of his recall or death, the sending State may authorize a member of the diplomatic staff of its diplomatic mission, or a responsible officer of the same or another consulate, to take temporary charge of the consulate. The name and functions of such officer shall be communicated in advance to the Ministry of Foreign Affairs of the receiving State.

2. The officer authorized to take temporary charge of a consulate shall enjoy all the rights, privileges and advantages accorded to consuls by this Convention.

II. RIGHTS, IMMUNITIES AND PRIVILEGES OF CONSULS AND CONSULAR OFFICERS

Article 4

The competent authorities of the receiving State shall render the necessary assistance to consuls and consular officers in the performance of their official duties.

Article 5

Consuls and consular officers shall not be subject to the jurisdiction of the courts and administrative authorities of the receiving State in respect of acts performed in their official capacity.

Article 6

In proceedings not connected with their official duties, consuls and consular officers may be required to give evidence before the authorities of the receiving State.

Where consuls and consular officers are for various reasons unable to appear, they may give evidence at the consulate premises or at their residences, or may send a deposition in writing to the said authorities.

Consuls and consular officers shall be entitled to decline to give information relating to their official duties.

Article 7

1. Consular offices shall be inviolable. The authorities of the receiving State shall not use force, in any form whatsoever, on the official premises of consulates or at the private residence of a consul.

2. The archives of consulates shall be inviolable. The official document archives of consulates shall not contain private papers.

3. Correspondence and telegrams dispatched and received by consuls in connexion with their official duties shall be inviolable and shall not be subject to inspection.

4. Consuls may use codes and the diplomatic bag.

Article 8

Consuls shall be entitled to display on consulate buildings the coat of arms of the sending State and an inscription designating the consulate. The State flag of the sending State may be flown from consulate buildings and on the automobile of a consul.

Article 9

1. Consuls and consular officers who are nationals of the sending State shall be exempt from personal services and material obligations and from direct taxes.

2. Immovable property of the sending State which is intended for use as consulate premises or as living quarters for consuls and consular officers shall be exempt from taxes and from material obligations.

Article 10

The baggage of consuls and articles imported for their use and for the use of consulates shall, subject to reciprocity, be exempt from customs duties to the extent to which exemption is enjoyed by diplomatic officers and diplomatic missions.

Article 11

The provisions of articles 9 and 10 shall also apply to the wives and minor children of consuls and consular officers, who live with them and who are nationals of the sending State, to the extent prescribed for members of the diplomatic officers and staff of diplomatic missions of the sending State.

III. FUNCTIONS OF CONSULS

Article 12

Consuls shall further the development of political, economic and cultural relations between the two States.

Article 13

1. Consuls shall be entitled, within their consular district, to protect the interests and rights of the sending State and of its nationals and bodies corporate.

2. In the performance of their official duties, consuls may apply directly to the competent authorities and institutions in the consular district for assistance.

Article 14

1. Consuls shall be entitled, without special authorization, to represent nationals or bodies corporate of the sending State in the courts and before other authorities of the receiving State where they are unable, owing to absence or for other reasons, to protect their own rights and interests at the proper time.

2. Consular representation shall cease if the individual or body corporate represented by a consul assumes the protection of his own rights and interests or appoints his own agent.

Article 15

1. Consuls shall be entitled to keep a register of nationals of the sending State who are permanently or temporarily resident in their consular district, and to attest the nationality of such persons. This provision shall not affect the right of the Contracting Parties to carry on the registration of aliens.

2. Consuls may issue passports to nationals of the sending State. They may issue visas for entry into or departure from the sending State.

Article 16

Consuls shall be entitled to carry on the following activities at consulates, at their own residences or those of nationals of the sending State, and on board vessels or aircraft flying the flag or bearing another national emblem of the sending State, in so far as the said activities are not prohibited by the legal provisions of the sending State :

1. To draw up, certify and keep the wills and unilateral legal instruments of nationals of the sending State;
2. To receive, draw up or certify written declarations by nationals of the sending State;
3. To draw up or certify legal instruments concerning transactions between nationals of the sending State; they may not, however, draw up or certify any legal instrument which relates to the establishment or alienation of rights to buildings or other immovable property situated in the territory of the receiving State;
4. To draw up or certify legal instruments concerning transactions between nationals of the sending State and nationals of the receiving State, provided that such transactions relate exclusively to interests in the territory of the sending State or are to be carried out in the territory of that State, and provided that nothing in the said instruments is contrary to the legal provisions of either Contracting Party;
5. To certify the signatures of nationals of the sending State on documents of any kind; to certify copies and translations of and extracts from documents issued by authorities, officials or private individuals of the sending or of the receiving State; and to certify the signatures and seals of authorities or officials of the sending or of the receiving State on documents of any kind;
6. To accept for safe-keeping money and valuables belonging to nationals of the sending State, without prejudice, however, to the legal provisions of the receiving State;
7. To perform such other acts as may be entrusted to consuls by the sending State, provided that such acts are not contrary to the relevant legal provisions of the receiving State.

Article 17

Documents drawn up, issued or certified by a consul acting within the limits of his competence shall not require certification by the authorities of the receiving State.

Article 18

1. Marriages may be solemnized before a consul in accordance with the laws of the sending State, provided that both parties to the marriage are nationals of the sending State.

2. Consuls may issue certificates of the birth and death of nationals of the sending State.

3. The foregoing arrangements shall not, however, exempt the persons directly and indirectly involved from the obligation to comply with the relevant legal provisions of the receiving State.

Article 19

Consuls shall be entitled, in so far as they are so authorized by the legal provisions of the sending State, to appoint a guardian for nationals of the sending State. In such cases, consuls may exercise supervision over such guardianship.

Article 20

Consuls may extend assistance to vessels of the sending State, communicate with a vessel's crew and passengers, issue, certify and examine ship's papers, prepare a report concerning the cargo, the purpose of the voyage and any unusual incidents, settle disputes between the officers and the crew, issue and renew seamen's books and seamen's certificates and make changes and other entries therein.

Article 21

If a vessel of the sending State suffers an accident or is wrecked, the competent authorities of the receiving State shall so notify the consuls, inform them of the measures already taken and render them the necessary assistance in their action in connexion with the accident to the vessel.

Article 22

1. Consuls may extend assistance to aircraft of the sending State. Consuls may apply to the competent authorities of the receiving State in extending assistance to the members of the crew and the passengers.

2. If an aircraft of the sending State is damaged or suffers an accident, consuls may take steps, or request that steps be taken, to assist or rescue the members of the crew and the passengers and to protect and repair the aircraft.

Article 23

Consuls may levy fees for consular acts in accordance with the legal provisions of the sending State.

IV. FINAL PROVISIONS

Article 24

The provisions of this Convention concerning the rights and duties of consuls shall likewise apply to officers of diplomatic missions charged with the exercise of consular functions. This provision shall not affect the diplomatic privileges and immunities of such officers.

Article 25

This Convention shall be ratified. It shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Prague.

Article 26

This Convention is concluded for a term of five years. It shall remain in force for successive terms of five years unless one of the Contracting Parties receives from the other Contracting Party, six months before the expiry of the current term, written notice of termination of the Convention.

DONE at Hanoi on 14 January 1963, in duplicate in the Czech and Vietnamese languages, both texts being equally authentic.

For the President
of the Czechoslovak Socialist
Republic :
Čeněk HEROLD

For the President
of the Democratic Republic
of Viet-Nam :
NGUYEN CO THACH