

No. 10635

**FRANCE
and
CAMEROON**

**Consular Convention (with annex). Signed at Yaoundé on
13 November 1960**

Authentic text: French.

Registered by France on 5 August 1970.

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et
CAMEROUN**

**Convention consulaire (avec annexe). Signée à Yaoundé le
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Enregistrée par la France le 5 août 1970.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹

The President of the French Republic and
The President of the Republic of Cameroon
Have decided to conclude this Convention.

They have appointed as their plenipotentiaries for this purpose:

The President of the French Republic:

Mr. Maurice Couve de Murville, Minister for Foreign Affairs;

The President of the Republic of Cameroon:

Mr. Charles-René Okala, Minister for Foreign Affairs;

Who, having exchanged their full powers, found in good and due form,
have agreed as follows:

PART I

APPLICATIONS AND DEFINITIONS

Article 1

This Convention shall apply to the respective territories of the French Republic and the Republic of Cameroon.

Article 2

For the purposes of this Convention:

1. Depending on the context, “sending State” means either the High Contracting Party which appointed the consul or all the territories of that Party to which the Convention applies.

2. Depending on the context, “receiving State” means either the High Contracting Party in whose territories the consul exercises his functions or all the territories of that Party to which the Convention applies.

3. “Territory” means any part of the territories of the receiving State in which a consular district, or part of a consular district, is situated and which constitutes a territorial unit for the application of this Convention.

¹ Came into force on 27 January 1961 by the exchange of the instruments of ratification, which took place at Paris, in accordance with article 44.

Each High Contracting Party may, in due course, notify the other Party in writing through the diplomatic channel which parts of its territories are to be considered as territorial units for the application of this Convention, indicating the articles for which they are to be considered as such. However, such notification shall not take effect until six months after the date of its receipt by the other Party.

4. In part VII of this Convention, “vessel” of a High Contracting Party means any vessel or craft registered in the manner specified in the legislation of one of the territories of that Party to which the Convention applies. However, in other parts of this Convention, “vessel” means any vessel or craft, whether registered or not, with the exception of warships.

5. “Consul” means any person duly appointed by the sending State to exercise consular functions in the receiving State who has been admitted to the exercise of those functions in the manner specified in article 4 of this Convention. A consul may be:

- (a) A “career consul” if he is a national of the sending State and not of the receiving State and carries on no professional activities in the receiving State apart from his consular functions;
- (b) An “honorary consul”, which means a person of any nationality who may carry on a gainful activity in the receiving State in addition to his consular functions.

6. “Consular agent” means a person of any nationality who with the consent of the receiving State has been appointed to serve as a consular agent by the consul under whose authority he is to act and from whom he receives a commission. A consular agent may carry on a gainful activity in the receiving State, in addition to his consular functions.

7. “Consular employee” means a person of any nationality who exercises a subordinate consular function and carries on no other gainful activity in the receiving State, whose authorities must be notified of his name and address as provided for in article 8. Drivers and persons employed solely in the maintenance of the consular premises or other domestic duties shall not, however, be considered as consular employees.

8. “Consular post” means any consular establishment, including consulates-general, consulates, vice-consulates or consular agencies.

9. “Consular premises” means the buildings or parts of buildings used exclusively for the exercise of consular functions.

PART II

ADMISSION OF CONSULS AND CONSULAR DISTRICTS

Article 3

Each High Contracting Party shall be entitled to establish consulates-general, consulates, vice-consulates and consular agencies in the cities, ports and other localities of the other Party. The latter shall, however, have the right to designate localities where they may not be established, provided that any such restriction shall apply equally to all Powers.

The seat and boundaries of each consular district shall be mutually agreed upon by the High Contracting Parties. The receiving State may oppose the opening of a consular post in a locality where no consular post exists.

The receiving State may request that the seat of a consular post be moved or that a consular post be closed. It shall give the reasons for such a request.

Article 4

Consuls who are heads of consular posts shall be admitted and recognized by the Government of the receiving State in the manner prescribed by the rules and formalities of that State on presentation of their consular commission. The exequatur in which their district is indicated shall be delivered to them as soon as possible and free of charge.

The Government of the receiving State shall immediately notify the higher authorities of the consular district concerned of the appointment of the head of a consular post. As soon as they have been so notified and the exequatur has been presented to them, the aforesaid authorities shall make all necessary arrangements to enable the consul to perform his duties and to enjoy the rights, powers, prerogatives and immunities to which he is entitled under this Convention.

The exequatur may not be withheld or withdrawn without serious cause.

The receiving State shall admit other consuls to the exercise of their functions upon their appointment, provided that notification is given. Their recall may not be requested without serious cause.

Article 5

The sending State may, if so authorized by the receiving State, assign consular functions to one or more members of the accredited staff of its diplomatic mission to the receiving State. In that case, the provisions of

article 4 shall apply to their consular assignment. In their consular capacity and in the exercise of their consular functions, the staff concerned shall be entitled to the benefits and subject to the obligations provided for in this Convention, on the understanding that they shall retain any additional personal privileges to which they are entitled by virtue of having recognized diplomatic status in the receiving State.

Article 6

Consuls or consular employees may exercise temporarily, as acting head of post, the functions of a consul, head of a consular post, who has died or is unable to carry out his functions because of illness or absence or for any other reason. Acting heads of consular posts may, upon notification to the local authorities, exercise their functions and have the benefit of the provisions of this Convention until such time as the head of the post resumes his functions or a new consul is appointed.

Article 7

Career consuls who are heads of consular posts may appoint consular agents in the cities, ports and localities of their consular district, subject to approval by the Government of the receiving State.

Consular agents must have an appropriate commission issued by the consul who appointed them and under whose authority they act.

Article 8

Consuls who are heads of post shall notify the authorities of the receiving State of the names and addresses of their consular employees in the manner specified in the regulations of the receiving State.

PART III

IMMUNITIES AND PRIVILEGES

Article 9

The sending State may, in accordance with the laws and regulations of the receiving State, acquire and own in the territory of the receiving State such buildings as may be necessary for the establishment of a consular post or for the official residence of a career consul.

The sending State shall have the right to erect on land belonging to it such buildings and appurtenances as may be necessary for the purposes referred to above, subject to compliance with the building and town-planning regulations applicable to the area in which the land is situated.

Buildings or premises owned by the sending State and used as consular offices or as the residence of a career consul shall be exempt from the dues and taxes levied on such buildings or on income accruing from their ownership in the receiving State. The acquisition of such buildings, whether against payment or free of charge, shall be exempt from any charges levied by the receiving State. The aforesaid exemptions shall not apply to charges representing payment for services rendered or for local public improvements.

Article 10

No taxes or similar charges shall be collected from the sending State in the territory of the receiving State by reason of the occupation of buildings or premises used as consular offices or as the residence of a career consul, with the exception of charges representing payment for services rendered or for local public improvements.

Article 11

Consuls who are heads of consular posts and consular agents may display on the exterior of the consular building the coat of arms of the sending State with an appropriate inscription in the national language of that State to designate the consulate or consular agency.

They may also display the flag of the sending State on the consular building on solemn occasions and on occasions when custom so warrants.

Consuls who are heads of consular posts may also display the flag of the sending State on motor vehicles, vessels and aircraft used by them in the exercise of their consular functions.

Each High Contracting Party shall ensure respect for and protection of the national flags, coats of arms and consular flags of the other Party.

Article 12

In accordance with recognized principles of international law, the consular archives and all other consular documents or registers shall be inviolable at all times, and the authorities of the receiving State shall not examine or seize them under any pretext.

The consular archives, documents or registers shall be kept in premises specially set apart for that purpose which must be absolutely separate from rooms used as living quarters by consuls and consular agents or employees.

Moreover, the consular archives, documents and registers must be kept separate from other books or papers.

Career consuls may communicate and correspond with their Government or with the diplomatic mission to which they are attached by post, telegraph, telephone and other public services, even in secret language, and may send and receive official correspondence in sealed bags or other sealed packages. Such correspondence shall be inviolable.

Honorary consuls and consular agents may communicate and correspond freely with the authorities to whom they are responsible.

Article 13

The police and other authorities of the receiving State may not enter the premises of a consular post except with the consent of the head of the post.

Without such consent, the aforesaid premises may be entered only pursuant to a warrant or a judicial decision and with the authorization of the Minister for Foreign Affairs of the receiving State.

However, the police or authorities of the receiving State may enter the consular premises without formality in the event of fire or disaster or when a crime or offence is being or has been committed therein.

Article 14

Consuls and consular agents and employees who are nationals of the sending State shall be exempt from requisitions in respect of personal services and property.

Consular premises and the residences of consuls and consular agents and employees who are nationals of the sending State and the movable property contained therein shall be exempt from any form of requisitioning, military contribution or billeting.

Article 15

In accordance with the rules of international law, consuls and consular agents and employees, regardless of their nationality, shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of their functions.

Article 16

Career consul shall be granted personal immunity from arrest, except in cases of *flagrante delicto*; they shall not be liable to detention pending trial unless they are charged with a legal offence punishable under the laws of the receiving State by at least four years' imprisonment.

When a consul is arrested or legal action is taken against him, the receiving State shall promptly notify his diplomatic mission.

Article 17

Consuls and consular agents and employees may not be constrained to testify in the courts of the receiving State in connexion with acts relating to their consular functions or to produce documents from the consular archives or other consular documents.

If a career consul thinks that testimony required of him may have a bearing upon his official functions, he shall be entitled to consult his Government and given time to do so.

In all cases, testimony given by career consuls in civil cases may be taken orally or in writing at their residence or office.

Article 18

Career consuls and their spouses and minor children forming part of their household shall not be required to comply with those provisions of the legislation of the receiving State which concern residence permits and the registration and supervision of aliens. They shall not be liable to expulsion.

Honorary consuls and consular agents and employees who are not nationals of the receiving State shall be subject to the aforementioned legislation; they shall be assisted in completing any formalities to which they, as aliens, might be subject.

Article 19

The tax and customs privileges provided for in articles 20 to 22 of this Convention shall be granted to the consuls and consular agents and employees of each High Contracting Party, provided that the principle of reciprocity is duly applied.

Article 20

Career consuls and consular employees serving under career consuls

who are nationals of the sending State shall be exempt from direct contributions and personal taxes levied in the territory in which they are residing.

The aforesaid exemption shall not apply to:

- taxes on immovable property;
- taxes relating to secondary residences and taxable items pertaining to such residences;
- taxes on income having its source in the receiving State;
- taxes on capital invested in industrial or commercial undertakings in the territory of the receiving State or on profits realized through the liquidation of such investments or from the sale of a building in the territory of the receiving State;
- charges representing payment for services rendered or for local public improvements.

The career consuls and consular employees referred to in the first paragraph of this article shall also be exempt from taxes incident to the ownership or use of motor vehicles, pleasure craft, aircraft and radio and television receivers.

Consuls and consular agents and employees shall not be exempt from dues and taxes on transactions involving movable or immovable property.

Article 21

Consuls and consular agents and employees who are nationals of the sending State shall be exempt from customs duties and other import taxes on furniture for personal or family use imported at the time of first installation in the receiving State.

Motor vehicles, pleasure craft and aircraft imported by career consuls for personal or family use shall be admitted free of import duties and charges, on a temporary basis, for the period during which the consuls importing them continue to exercise their functions.

Motor vehicles, vessels and aircraft belonging to the sending State and used by its consulates, consuls and consular agents and employees and motor vehicles, ships and aircraft belonging to its consuls or consular agents and employees shall be insured against third party risks as required by the laws of the receiving State.

Article 22

Coats of arms, flags, national emblems, seals, books, official archives and documents, office furnishings and furniture, such as metal cabinets, strong-boxes, typewriters and calculating machines, radio and television receivers and similar articles, sent by the High Contracting Parties to their respective consular posts for official use shall be exempt from all import duties and charges.

Article 23

In their capacity as official agents of the sending State, consuls shall be entitled to special protection and respect by all officials of the receiving State with whom they maintain official relations.

PART IV

CONSULAR FUNCTIONS

Article 24

In accordance with internationally recognized principles and customs, consuls and consular agents shall protect and defend all the rights and interests of nationals of the sending State.

For that purpose, they shall be entitled to address the competent authorities of their consular district and, in the absence of any diplomatic representative of the sending State, the Government of the receiving State.

Article 25

Consuls and consular agents may communicate with nationals of the sending State and advise and assist them in dealings with and suits or other proceedings before the local authorities.

Where necessary, they may arrange for them to be assisted by a lawyer or an interpreter.

Article 26

Consuls and consular agents shall, on application to the competent authorities, be given the names of nationals of the sending State who are being detained in their consular district, provided that the nationals concerned do not oppose the emission of such information.

The competent authorities shall immediately inform a consul or consular agent of the arrest or detention in his consular district of all nationals of the sending State who request them to do so. The consul shall then have the

right to visit such nationals, conforming to the regulations governing detention, and to converse with them with a view to taking all necessary steps for their legal defence. All communications addressed to a consul by such nationals shall be forwarded to him by the competent authorities.

When a national of the sending State has been convicted and is serving a sentence of imprisonment, the consul in the consular district where he is imprisoned shall have the right to visit him with the authorization of the competent authority. Such visits must enable the consul or his representative to converse with the prisoner, in conformity with penal regulations.

Article 27

Consuls and consular agents who are competent to do so under the laws and directives of the sending State may:

1. Draw up and record certificates of civil status relating to their nationals;
2. Receive any acts and contracts which relate to property situated or business to be conducted in the territory of the sending State or in a third State or acts and contracts intended to have legal effect in the sending State or in a third State, regardless of the nationality of the parties to such acts and contracts, which shall be notarized when received by French consuls and executed in the form specified by Cameroonian legislation or custom when received by Cameroonian consuls.

Anyone doubting the authenticity of a copy of or extract from such an act may request that it be compared with the original and may, if he deems it advisable, be present when the comparison is made.

Article 28

Competent consuls or consular agents may:

1. Keep a register of nationals of the sending State;
2. Issue passports, *laissez-passer* or other personal documents to such nationals;
3. Visa passports or travel documents for persons intending to travel to the territories of the sending State;
4. Register nationals of the sending State for military service;
5. Receive declarations and draw up acts; legalize or certify signatures and stamp, certify or translate documents when such actions and formalities are required by the laws or directives of the sending State;

6. Translate and legalize any document issued by authorities or officials of the sending State. Such translations shall have the same force and effect in the receiving State as they were if they had been done by its sworn translators.

Article 29

For the purpose of applying the provisions of the two preceding articles, the receiving State shall appoint an authority which shall be competent to authenticate the signatures of consuls or consular agents for other authorities of the receiving State. The signatures of consuls and consular agents shall be deposited with the aforementioned authority.

The aforementioned authority shall also be competent to authenticate the signatures of other authorities of the receiving State on acts which a consul is required to legalize, translate or transcribe to give them effect in the territories of the sending State.

Article 30

Subject to the provisions of special arrangements concluded or to be concluded between the High Contracting Parties, consuls may:

1. In accordance with the laws of the sending State, arrange for guardianship or trusteeship for a national of the sending State who lacks full capacity;
2. In civil and commercial cases, transmit judicial and extra-judicial documents and execute letters rogatory or commissions to take evidence for the courts of the sending State, to the extent allowed by the local legislation;
3. Receive for safe keeping, money, documents and articles of any kind deposited by or for the account of nationals of the sending State; such deposits shall not benefit by the immunity provided for in article 12;
4. Arrange for the administration of estates of nationals of the sending State and for the enforcement of the shipping laws of the sending State, as specified in parts V and VI of this Convention.

PART V

ESTATES

Article 31

In the case of the death of a national of one Contracting State in the

territory of the other State, the competent local authority shall immediately inform the consul in whose district the death occurred. If the consul learns of the death first, he shall inform the local authority of it.

Article 32

Where a deceased person leaves an estate in the receiving State and a right to all or part of the estate is held or claimed by a national of the sending State who is neither resident in the receiving State nor represented there by an appointed attorney, the consul within whose district the succession opens, or his representative shall have the right to represent such national as regards his interests in the estate as if an express power of attorney had been executed in his favour by the national. If subsequently the national comes to defend his own interests in the territory or becomes expressly represented there by another person, the presumed power of attorney in favour of the consul shall cease to have effect.

Article 33

In exercising the rights referred to in article 32, a consul shall be subject to local legislation and to the jurisdiction of the local courts in the same manner as a national of the receiving State. He shall not, therefore, be summoned to testify in his personal capacity but in his official capacity, as representing a national of the sending State.

Article 34

Consuls and consular agents of the High Contracting Parties shall have exclusive responsibility for making inventories and for other operations carried out in connexion with the preservation of assets of any kind left by nationals of the sending State, whether crew members or passengers, who die on board a ship of their country either prior to its arrival in port or while it is in port or who die on shore after disembarking.

PART VI

SHIPPING

Article 35

When a vessel sailing under the flag of the sending State has entered a port in the receiving State, the consul of a competent consular agent may proceed personally or send representatives on board the vessel after it has received *pratique*.

He shall have full freedom to question the master and members of the crew, examine the vessel's papers, take statements with regard to its voyage, itinerary and destination and deliver, on behalf of the sending State, any documents required for the departure of the vessel.

The master of the vessel and members of its crew shall be entitled to communicate with the consul and to proceed to the consular post.

Article 36

Competent consuls and consular agents shall exercise exclusive jurisdiction with regard to the maintenance of order and discipline on board merchant vessels sailing under the flag of the sending State.

They may settle disputes of any kind among the master of a vessel, its officers and members of its crew, including wage and contract disputes. They may also exercise the authority granted to them by the sending State with regard to the engagement, boarding, discharge and disembarkation of members of the crew and, if necessary, make arrangements for the treatment in a hospital and for the repatriation of the master or any member of the crew of the vessel.

Article 37

The authorities of the receiving State shall not intervene in relation to any matter occurring on board a vessel of the sending State or initiate legal proceedings for offences committed on board, except:

- When requested to intervene by the consul or, in an emergency, by the master of the vessel, who shall be responsible for informing the consul of the matter as soon as possible;
- When disorders occur which are liable to disturb tranquillity or public order on land or in the port or which constitute a threat to public health or security;
- When the offences committed on board are punishable by at least three years' imprisonment in the territories referred to in the first paragraph of article 1 or by four years' imprisonment in the territories referred to in the second paragraph of article 1;
- When persons who are not members of the crew of the vessel are implicated;
- When members of the crew who are nationals of the receiving State are implicated, provided that the offence committed is not punishable under the ship's disciplinary regulations.

The authorities of the receiving State shall notify the consul of any inspections, investigations or arrests they intend to make in ample time for him to be present when they are carried out. The notification shall specify the exact time of the inspection, investigation or arrest, which, if the consul or his representative fails to appear, shall proceed without him.

A similar procedure shall be followed in the event that masters or crew members are required to make statements before local courts or authorities.

The provisions of this article shall not be applicable to the authorities of the receiving State with regard to the implementation of customs and public health legislation and regulations and other measures governing the policing of ports, the protection of cargoes and the admission of aliens.

Article 38

Consuls and consular agents may arrange for the arrest and return to his vessel of a seaman or any other person enlisted, in any capacity, in the crew of a vessel of the sending State who has deserted in the territory of the receiving State and without whose services the crew would be unable to operate the vessel properly.

To that end, they shall apply to the competent local authorities in writing, producing evidence that the person sought is, in actual fact, a member of the crew and that his presence on board is necessary to the proper operation of the vessel. If such a substantiated application is made, the return of the deserter may not be refused except in pursuance of the constitutional provisions of the High Contracting Parties concerning the right of asylum.

If a deserter has committed an offence on shore, the local authority may stay his return to the vessel until the court has pronounced sentence and the sentence has been fully carried out.

Seamen and other crew members, who are nationals of the receiving State shall be exempt from the provisions of this article.

Article 39

Consuls may, in accordance with the laws of the sending State, receive any declaration and draw up any document with regard to:

- (1) The registration of a vessel in the sending State or its removal from the register;
- (2) The fitting out or dismantling of a vessel registered in the sending State;

- (3) The registration of changes in the ownership of a vessel registered in the sending State and of mortgages or other rights *in rem* in respect of such a vessel.

Article 40

When a vessel sailing under the flag of the sending State is wrecked or runs aground in the receiving State, the competent consul or consular agent shall be notified as soon as possible by the authorities of the territory.

The aforesaid authorities shall take all measures necessary to maintain order, to protect the vessel and shipwrecked persons and property and to prevent damage to other vessels or port facilities.

All rescue operations shall be directed by the competent consul or consular agent, assisted by the local authorities.

In the absence of the owner, the consul may make appropriate arrangements regarding the future of the vessel.

No charge of any kind shall be levied for assistance rendered by the local authorities other than charges relating to the refunding of expenditure incurred for rescue operations and for the preservation of salvaged goods and charges which would be levied in similar circumstances in connexion with vessels of the receiving State.

Merchandise and other goods salvaged from the wreck shall not be subject to import duties and charges unless they are delivered for domestic consumption in the territory of the receiving State.

Article 41

With the consent of the authorities of the territory, the competent consul or consular agent may also make any arrangements necessary for the preservation and disposal of any shipwrecked articles found in or brought into the territory of the receiving State which belong to nationals or to a vessel of the sending State, provided that their owners or other persons concerned are not in a position to make such arrangements.

Article 42

Unless otherwise specified by the owners, shippers and underwriters, matters pertaining to damage sustained at sea by vessels of the sending State which enter ports of the receiving State voluntarily or because they are obliged to do so shall be settled by consuls or consular agents unless nationals of the receiving State or a third State are involved, in which case they shall be settled by the local authorities, if all the parties concerned fail to reach an amicable compromise.

FINAL PROVISION

Article 43

In accordance with the rules of international law, consuls shall be permitted to exercise any function consistent with the consular practice recognized by the receiving State.

Acts drawn up in the exercise of consular duties may be subject to the fees and charges provided for in the legislation of the sending State for such acts.

Article 44

This Convention shall enter into force on the date of the exchange of the instruments of ratification, which shall take place in Paris as soon as possible.

DONE in duplicate at Yaoundé, on 13 November 1960.

[CHARLES-RENÉ OKALA]

[MAURICE COUVE DE MURVILLE]

ANNEX TO THE CONSULAR CONVENTION

— A —

LIST OF CAMEROONIAN CONSULAR POSTS WHICH MAY BE OPENED IN FRANCE
AND IN THE TERRITORIES OF THE FRENCH REPUBLIC

(in pursuance of article 3)

Career consular posts:

Consulate-General in Paris
Consulate in Marseilles
Consulate in Bordeaux
Consulate in Le Havre
Consulate in Lyon

— B —

LIST OF FRENCH CONSULAR POSTS WHICH MAY BE OPENED IN CAMEROON

Career consular posts:

Consulate-General in Douala

Consulate in Yaoundé
Consulate in Garoua

Consular agencies: N'kongsamba
Edea

[CHARLES-RENÉ OKALA]

[MAURICE COUVE DE MURVILLE]