

No. 13178

**BELGIUM
and
UNITED STATES OF AMERICA**

**Consular Convention (with exchanges of letters). Signed at
Washington on 2 September 1969**

*Authentic texts: French, Dutch and English.
Registered by Belgium on 25 March 1974.*

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et
ÉTATS-UNIS D'AMÉRIQUE**

**Convention consulaire (avec échanges de lettres). Signée à
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Enregistrée par la Belgique le 25 mars 1974.*

CONSULAR CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM AND THE UNITED STATES OF AMERICA

His Majesty the King of the Belgians and the President of the United States of America,

Being desirous of determining the conditions for admitting consular officers to their respective territories and of establishing their reciprocal rights, immunities, and privileges and defining their functions,

Desiring thus to facilitate the protection of nationals of each High Contracting Party in the territories of the other,

Have agreed to conclude for that purpose a consular convention and have designated as their Plenipotentiaries:

His Majesty the King of the Belgians:

Baron Scheyven, Ambassador Extraordinary and Plenipotentiary of Belgium, and

The President of the United States of America:

William P. Rogers, Secretary of State of the United States of America,

Who have agreed as follows:

TITLE 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 or water subject to the sovereignty or authority of either High Contracting Party, except the Panama Canal Zone.

Article 2. As used in this Convention:

(a) The term "sending state" means the High Contracting Party by whom the consular officer is appointed;

(b) The term "receiving state" means the High Contracting Party within whose territory the consular officer performs the functions of his office and includes the states, provinces, municipalities, or other local subdivisions of which it is composed;

(c) The term "consular officer" means any person duly appointed and authorized to exercise consular functions in the receiving state as consul general, consul, vice-consul, or consular agent;

(d) The term "consular employee" means an individual who, after the notification stipulated in article 5, performs administrative or technical tasks in a consulate of the sending state;

¹ Came into force on 5 January 1974, i.e. the thirtieth day after the date of the exchange of the instruments of ratification, which took place at Brussels on 6 December 1973, in accordance with article 48 (1).

(e) The term “consulate” means any consular establishment, whether a consulate general, consulate, vice consulate, or a consular agency;

(f) The term “consular archives” means the papers, documents, correspondence, books, films, tapes and registers of the consulate together with the ciphers and codes, the card-indexes, and any article of furniture intended for their protection or safekeeping;

(g) The term “consular district” means the territory in the receiving state within whose limits a consular officer exercises his functions;

(h) The term “vessel”, as used in title VI of the present Convention, means any ship or craft registered under the laws of the sending state, including those owned by the sending state, with the exception of warships.

TITLE II

ESTABLISHMENT OF CONSULATES

Article 3. (1) The sending state may establish and maintain consulates at any locations agreeable to the receiving state.

(2) The limits of the consular districts shall be fixed by agreement between the sending and receiving states.

Article 4. (1) The diplomatic mission of the sending state shall notify the receiving state of the appointment or assignment of an individual as a consular officer. The document of appointment or assignment shall define the consular district.

(2) The receiving state shall issue to the head of the consulate and to other consular officers assigned thereto, as soon as possible and free of charge an exequatur or other authorization. This document shall define the consular district.

(3) As soon as the exequatur or other authorization has been received, a consular officer shall be admitted to the exercise of his functions and shall be entitled to the benefits and be subject to the obligations of this Convention. Pending the issuance of the exequatur or other authorization, the receiving state may agree to admit him provisionally to the exercise of his functions.

(4) The exequatur or other authorization may not be refused or withdrawn except for good cause, the reasons for which need not be communicated to the sending state.

Article 5. (1) The receiving state shall be notified of the assignment of any consular employee to a consulate and shall be kept informed of his home address in the receiving state.

(2) The receiving state may refuse or, at any time, cease to recognize an individual as a consular employee. In such event the sending state shall, as the case may be, either recall the individual concerned or terminate his functions at the consulate.

Article 6. The sending state may, with the consent of the receiving state, designate one or more members of its diplomatic mission accredited to the receiving state to perform consular functions in addition to diplomatic functions.

Such a designation must be made in conformity with the provisions of this Convention. Individuals so designated shall be entitled to the benefits and be subject to the obligations of this Convention, without prejudice to such privileges and immunities to which they may be entitled by virtue of being members of the diplomatic mission of the sending state.

TITLE III

GENERAL RIGHTS, IMMUNITIES AND PRIVILEGES

Article 7. (1) A consular officer shall be entitled to the respect and high consideration of the authorities of the receiving state with whom he comes in contact in the performance of his functions.

(2) The receiving state shall take all appropriate steps to ensure the protection of consulates and residences of consular officers.

Article 8. (1) A consular officer or consular employee 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 consular functions, except as provided in paragraph (4) of article 32.

(2) A consular officer or consular employee shall be exempt in the receiving state from arrest or prosecution except when he has been charged with the commission of an offense under the laws of the receiving state which, upon conviction, would subject the individual guilty thereof to a sentence of imprisonment of at least one year.

(3) The provisions of paragraph (1) of this article shall not apply in respect of a civil action either:

- (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending state; or
- (b) by a third party for damage arising from an accident in the receiving state caused by a vehicle, vessel or aircraft.

(4) The sending state and its consular officers and consular employees shall comply with any requirement imposed by the laws and regulations of the receiving state with respect to insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

(5) The authorities of the receiving state shall notify without delay the diplomatic mission of the sending state whenever a consular officer or consular employee has been arrested or detained.

Article 9. (1) A consular officer or consular employee shall, upon the request of the administrative or judicial authorities of the receiving state, appear in court for the purpose of giving testimony. The administrative or judicial authorities requiring such testimony shall take all reasonable steps to avoid interference with the performance of his consular functions and wherever possible arrange for the taking of such testimony, orally or in writing, at the consulate or residence of the consular officer or consular employee.

(2) A consular officer or consular employee shall have the right to refuse a request from the administrative or judicial authorities of the receiving state to

produce any documents or articles from the consular archives or to give testimony relating to matters connected with the exercise of consular functions. Such a request, however, shall be complied with in the interests of justice if it is possible to do so without prejudicing the interests of the sending state.

Article 10. The sending state may waive, with regard to a consular officer or consular employee, any of the privileges and immunities provided for in this Convention. The waiver shall be express and shall be communicated to the receiving state in writing.

Article 11. (1) Consular archives shall be inviolable, and the authorities of the receiving state shall not, on any pretext, examine or seize the documents or articles of which they are composed.

(2) The archives shall be kept completely separate from the documents and objects having nothing to do with the performance of consular functions.

Article 12. The authorities of the receiving state shall not enter that part of the consular premises which is used exclusively for the work of the consulate except with the consent of the head of the consulate or of his designee or of the head of the diplomatic mission of the sending state. The consent of the head of the consulate may, however, be assumed in case of fire or other disaster requiring prompt protective action.

Article 13. (1) A consular officer or consular employee and members of his family forming part of his household shall be exempt in the receiving state from any requirements with regard to the registration of aliens and the obtaining of permission to reside, and shall not be subject to deportation. Such members of the family of a consular officer or consular employee shall not receive the benefits of this paragraph if they carry on any private gainful occupation in the receiving state.

(2) An appropriate identification document may be issued by the competent authorities of the receiving state to the persons entitled to the benefits of this article.

(3) The receiving state shall, if required by its laws or regulations, be notified:

- (a) of the arrival of consular officers and consular employees after they have been assigned to a consulate, as well as of their final departure from the receiving state or of the termination of their functions in the consulate;
- (b) of the arrival in and final departure from the receiving state of members of the family forming part of the household of consular officers and consular employees and, if applicable, of the fact that such an individual joins their household or leaves it;
- (c) of the arrival in and final departure from the receiving state of private staff members who are not nationals of that state and are in the sole employ of consular officers and, if necessary, of the fact that they are entering their service or leaving it;
- (d) of the hiring and termination of functions in a consulate of consular employees engaged in the receiving state.

Article 14. A consular officer or consular employee shall enjoy exemption from military, naval, air, police, administrative or jury duty of every kind, and from any contribution in lieu thereof.

Article 15. (1) The sending state may:

- (a) acquire or possess, in full ownership or under any other form of tenure provided by the laws of the receiving state, land, buildings, parts of buildings, and appurtenances required by the sending state for diplomatic or consular purposes, including residences, or for other similar purposes to which the receiving state does not object;
- (b) erect buildings and appurtenances on land which it has acquired under subparagraph (a) of this article;
- (c) convey the land, buildings, parts of buildings and appurtenances so acquired or erected.

(2) The provisions of paragraph (1) of this article do not exempt the sending state from compliance with the laws of the receiving state, including local building, zoning, or town planning regulations applicable to all land in the area in which such land, buildings, parts of buildings or appurtenances are situated.

Article 16. (1) The coat of arms of the sending state and an inscription designating the consulate may be affixed to the outer enclosure and outer wall of the building housing the consulate, or on or by the entrance door to the consulate.

(2) The flag of the sending state or the consular flag may be flown at the consulate as well as at the residences of consular officers.

(3) The coat of arms and flag of the sending state, as well as its consular flag, may be affixed to or flown on all vehicles and vessels which consular officers use in the performance of their official functions.

Article 17. (1) The sending state shall enjoy an exemption from all military requisitions, contributions or billeting with respect to property forming part of its consulates in the receiving state, including all vehicles, vessels, and aircraft. Immovable property may, however, be seized or taken for purposes of national defense or public utility in accordance with the laws of the receiving state.

(2) A consular officer or consular employee shall enjoy an exemption from all military requisitions, contributions or billeting with respect to his private residence and the furniture and other household articles and all vehicles, vessels, and aircraft held or possessed by him. Such private residence may, however, be seized or taken for purposes of national defense or public utility in accordance with the laws of the receiving state.

(3) In any of the cases referred to in paragraphs (1) and (2) of this article, every effort shall be made to avoid interference with the performance of consular functions.

(4) The sending state or the consular officer or consular employee shall receive, within a reasonable period of time, due compensation for all such property seized or taken. Compensation shall be payable in a form readily convert-

ible into the currency of and transferable to the sending state, not later than three months from the date on which the amount of compensation has been finally fixed.

Article 18. (1) The receiving state shall permit and protect freedom of communication on the part of the consulate for all official purposes. In communicating with the Government, the diplomatic missions and other consulates, wherever situated, of the sending state, the consulate may employ all appropriate means, including diplomatic couriers and consular couriers, diplomatic and consular pouches and messages in code or cipher.

(2) The official correspondence of the consulate, regardless of the means of communication used, and the sealed diplomatic pouch bearing visible external marks of official character, shall be inviolable.

(3) The consular pouch shall be neither opened nor detained. Nevertheless, if the authorities of the receiving state have serious reason to believe that the pouch contains something other than official correspondence, documents or articles intended for official use, they may request that the pouch be opened in their presence by an authorized representative of the sending state. If this request is refused by the authorities of the sending state, the pouch shall be returned to its place of origin.

TITLE IV

FINANCIAL PRIVILEGES

Article 19. The sending state shall be exempt from all taxes or other similar charges of any kind levied or collected by the receiving state for the payment of which the sending state would otherwise be legally liable:

- (a) with respect to the acquisition, ownership, occupation, construction, or improvement of land, buildings, parts of buildings or appurtenances used exclusively for diplomatic or consular purposes, including residences for diplomatic agents, members of the administrative or technical staff of the diplomatic mission of the sending state, and consular officers and employees, who are not nationals of or permanently resident in the receiving state and do not carry on any private gainful occupation in the receiving state, other than taxes or other assessments imposed for services or local public improvements by which and to the extent that such property is benefited;
- (b) with respect to the acquisition, ownership, possession, or use of all furniture, equipment, supplies, building materials and other articles, including vehicles, vessels and aircraft, which the sending state utilizes for diplomatic or consular purposes.

Article 20. (1) No tax or other similar charge of any kind whatever shall be levied or collected by the receiving state on:

- (a) the fees and charges collected in the name of the sending state as remuneration for consular services, or the receipts attesting to the payment of such fees and charges;
- (b) the official emoluments, wages, salaries, and allowances received as remuneration for consular functions by consular officers and consular employees.

(2) The sending state or its consular officers or consular employees shall be exempt in the receiving state from all taxes or other similar charges of any kind levied by the receiving state in respect of acts performed by a consular officer or a consular employee in his official capacity and falling within the limits of his consular 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 charge may be passed on to the sending state or on to the consular officer or consular employee.

Article 21. (1) Except as provided in paragraphs (2) and (3) of this article, a consular officer or consular employee of the sending state shall be exempt in the receiving state from all taxes or other similar charges of any kind whatever imposed by the receiving state for the payment of which such consular officer or consular employee would be legally liable.

(2) The provisions of paragraph (1) of this article shall not apply with respect to taxes or other similar charges of any kind for which some other person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to such consular officer or consular employee.

(3) The provisions of paragraph (1) of this article shall not apply to taxes or other similar charges of any kind whatever levied or collected:

- (a) on the acquisition, ownership, mortgaging or occupation by a consular officer or consular employee of real property situated in the receiving state;
- (b) on income, other than that referred to in article 20 (1) (b), derived from sources within the receiving state;
- (c) by reason of or incident to the transfer by gift of property;
- (d) by reason of or incident to the passing on death of property;
- (e) on instruments affecting transactions, such as stamp duties imposed or collected in connection with the transfer of property, or taxes on the transfer of securities;
- (f) in connection with the performance of services by any administrative or judicial authority.

(4) Notwithstanding the provisions of paragraph (3) of this article, the movable property belonging to the estate of a deceased consular officer or consular employee and used by him in connection with the performance of his official functions shall be exempt from all estate, inheritance, succession, or similar taxes imposed by the receiving state. Any part of the estate of a deceased consular officer or consular employee which does not exceed in value two times the amount of all official emoluments, salaries, and allowances received by such consular officer or consular employee for the year immediately preceding his death shall be deemed conclusively to constitute property used by him in connection with the performance of his official functions.

Article 22. (1) All furniture, equipment, supplies, building materials and other articles, including vehicles, vessels and aircraft, intended for official use in the receiving state in connection with any diplomatic or consular purposes, including residences, shall, on a basis of strict reciprocity, be permitted entry into the receiving state 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 receiving state by a consular officer or consular employee exclusively for his personal use and the use of members of his family forming part of his household, shall, on a basis of strict reciprocity, be exempt from all taxes or duties imposed upon or by reason of importation, whether accompanying him to his consulate, either upon first arrival or upon subsequent arrivals, or subsequently consigned to him at his consulate and imported at any time while he is assigned to or employed at such consulate.

(3) It is understood that nothing herein shall be construed to permit the entry into the receiving state of any article the importation of which is specifically prohibited by its laws.

Article 23. The sending state and its consular officers or consular employees shall comply with the formalities prescribed by the authorities of the receiving state regarding the application of the provisions of title IV.

TITLE V

CONSULAR FUNCTIONS GENERALLY

Article 24. (1) Consular officers shall be entitled to protect nationals of the sending state and to defend their rights and interests. For this purpose they may, in particular:

- (a) apply to the authorities of the receiving state with regard to ensuring that nationals of the sending state enjoy rights accruing to them by treaty or otherwise;
- (b) interview, communicate with, and advise any national of the sending state;
- (c) inquire into any incident which has occurred affecting the interests of any such national;
- (d) assist nationals of the sending state in their relations with the judicial or administrative authorities of the receiving state, help them in their proceedings before those authorities, arrange for legal assistance for them if the laws of the receiving state so permit and, with the consent of the said authorities, serve as interpreter for such persons or obtain an interpreter.

(2) Consular officers may, when authorized by the laws of the sending state, deliver to any beneficiary in the receiving state the allowances or payments due him under the law of the sending state.

Article 25. (1) Nationals of the sending state shall have the right at all times to communicate with the appropriate consular officer and, unless subject to lawful custody, to visit him at his consulate.

(2) Consular officers shall, on the demand of a national of the sending state who has been taken into custody, be notified immediately by the authorities of the receiving state.

(3) Consular officers may:

- (a) arrange to visit promptly any national of the sending state who has been taken into custody in the receiving state;
- (b) converse privately with such national in any language;

(c) arrange for legal representation for such national.

Any written communication between such national and the consular officer shall be transmitted without delay by the authorities of the receiving state.

(4) Consular officers shall be entitled, upon request to the competent prison authorities and in conformity with the penal regulations, to have reasonable access to and opportunity of conversing with a national of the sending state who has been convicted and is serving a prison sentence. Consular officers shall also be entitled, in conformity with the penal regulations, to transmit communications between such national and other persons.

Article 26. Consular officers shall be entitled to:

- (a) issue passports and other travel documents to nationals of the sending state and any other person qualified to obtain them;
- (b) issue identification documents to nationals of the sending state;
- (c) grant any visa or document permitting entry into the sending state;
- (d) issue with regard to goods certificates of origin and other necessary documents for use in the sending state;
- (e) prepare, attest, receive the acknowledgments of, certify, authenticate, legalize, and in general, take such action as may be necessary to perfect or to validate any act, document, or instrument of a legal character, as well as copies thereof, including commercial documents, declarations, registrations, testamentary dispositions, and contracts, whenever such services are requested by a national of the sending state for use outside the receiving state or by any person for use in the sending state;
- (f) take evidence, on behalf of the courts of the sending state, voluntarily given by any person in the receiving state, and administer oaths to such persons, in accordance with the law of the sending state;
- (g) obtain copies of or extracts from documents of public registry.

Article 27. Consular officers may translate into the language or languages of one the High Contracting Parties acts or documents of any character drawn up in the language or languages of the other High Contracting Party and certify to the accuracy of the translation thereof.

Article 28. Consular officers shall be entitled to:

- (a) receive any declaration required by the laws of the sending state with regard to nationality;
- (b) register the birth or death of a national of the sending state and record a marriage celebrated under the law of the receiving state when at least one of the parties is a national of the sending state;
- (c) serve judicial or extra-judicial documents or take evidence on behalf of the courts of the sending state, in conformity with any special arrangements made in the matter between the High Contracting Parties.

Article 29. Consular officers shall be entitled to issue notices intended for nationals of the sending state and to receive their voluntary declarations with regard to:

- (a) compulsory national service;

- (b) any other matter relating to the rights, obligations, or interests of such nationals, provided that such notices and declarations are not contrary to the laws of the receiving state.

Article 30. The acts and documents specified in articles 26 and 27, duly certified by the competent consular officer and bearing the official seal of the consulate, shall be receivable in evidence as officially certified acts and documents and shall have the same force and effect in the receiving state as if they had been drawn up or certified before the competent authorities of the receiving state, provided that the said documents have been drawn up and executed in conformity with the laws of the state where they are to take effect and that, if necessary, they have been subject to the stamp duty, registration, and all other formalities governing the matter in the state where they are to take effect.

Article 31. If it should come to the attention of the competent authorities of the receiving state that a minor or incapacitated national of the sending state (not permanently resident in the receiving state) is present in the receiving state, and his parents or legal guardian or other representative are not present or able to protect him and defend his legal rights and interests, such authorities shall notify the appropriate consular officer accordingly. The consular officer in like circumstances has a similar obligation to inform the competent authorities of the receiving state. In taking the appropriate legal measures for the protection of the person and property of such minor or incapacitated national, the competent authorities of the receiving state may request the assistance and participation of the consular officer.

Article 32. (1) In the case of the death of a national of the sending state in the receiving state, without leaving in the receiving state any known heir or testamentary executor, the appropriate local authorities of the receiving state shall as promptly as possible inform the appropriate consular officer of the sending state.

(2) A consular officer of the sending state may, within the discretion of the appropriate judicial authorities and if permissible under then existing applicable local law in the receiving state:

- (a) take provisional custody of the personal property left by a deceased national of the sending state, provided that the decedent shall have left in the receiving state no heir or testamentary executor appointed by the decedent to take care of his personal estate; provided that such provisional custody shall be relinquished to a duly appointed administrator;
- (b) administer the estate of a deceased national of the sending state who is not a resident of the receiving state at the time of his death, who leaves no testamentary executor, and who leaves in the receiving state no heir, provided that if authorized to administer the estate, the consular officer shall relinquish such administration upon the appointment of another administrator;
- (c) represent the interests of a national of the sending state in an estate in the receiving state, provided that such national is not a resident of the receiving state, unless or until such national is otherwise represented; provided, however, that nothing herein shall authorize a consular officer to act as an attorney at law.

(3) Unless prohibited by law, a consular officer may, within the discretion of the court, agency, or person making distribution, receive for transmission to a national of the sending state who is not a resident of the receiving state any money or property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to workmen's compensation laws, pension and social benefits systems in general, and proceeds of insurance policies. The court, agency, or person making distribution may require, among other things, that the consular officer comply with conditions laid down with regard to:

- (a) presenting a power of attorney or other authorization from such non-resident national;
- (b) furnishing reasonable evidence of the delivery of such money or property to such national; and
- (c) returning the money or property in the event he is unable to furnish such evidence.

(4) Whenever a consular officer shall perform the functions referred to in paragraphs (2) and (3) of this article, he shall be subject, with respect to the exercise of such functions, to the laws of the receiving state and to the jurisdiction of the judicial and administrative authorities of the receiving state.

Article 33. The provisions of this Convention relating to the functions which a consular officer may perform are not exhaustive. A consular officer shall also be permitted to perform other functions, provided they involve no conflict with the laws of the receiving state, and the authorities of the receiving state have no objection to the exercise of such functions.

Article 34. It is understood that in any case where an article of this Convention gives a consular officer the right to perform any functions, it is for the sending state to determine the extent its consular officer shall exercise such right.

TITLE VI

CONSULAR FUNCTIONS IN MARITIME MATTERS

Article 35. (1) Consular officers may assist vessels of the sending state during their stay in the receiving state.

(2) Consular officers may, in the performance of the duties enumerated in this Title, go personally on board the vessel accompanied, if desired, by consular employees on their staff, as soon as the vessel has received pratique. If the consular officers request the assistance of the authorities of the receiving state in any matter concerning the performance of these duties, such assistance shall be given, unless special reasons fully warrant a refusal in a particular case.

(3) The master and members of the crew may communicate with the appropriate consular officer and, subject to the immigration laws of the receiving state, go to the consulate.

Article 36. Consular officers may:

- (a) question the master and members of the crew of a vessel of the sending state, examine and certify the vessel's papers, take statements with regard to

- the vessel's voyage and her destination, and, generally, facilitate the entry, stay in port, and departure of the vessel;
- (b) arrange for the engagement and discharge of the master or any member of the crew;
 - (c) make necessary arrangements for the hospitalization and the repatriation of the master or any member of the crew;
 - (d) receive, draw up or sign any declaration or any other document prescribed by the laws of the sending state concerning the nationality, ownership and mortgages, conditions, and operation of a vessel of the sending state;
 - (e) take necessary measures for the maintenance of order and discipline on board the vessel;
 - (f) take necessary measures in accordance with the shipping laws of the sending state;
 - (g) give aid and assistance to the master and members of the crew of a vessel of the sending state in any dealings with the courts and authorities of the receiving state. For this purpose, consular officers may make necessary arrangements for legal assistance and interpreting.

Article 37. (1) The authorities of the receiving state may exercise jurisdiction over:

- (a) offenses committed on board a vessel of the sending state which are of a serious character or disrupt the tranquillity or the safety of the port or violate the laws of the receiving state regarding security, public health, the admission of aliens, safety of life at sea, customs, and similar matters; or
- (b) other offenses committed on board a vessel of the sending state:
 - (i) by or against a national of the receiving state, or
 - (ii) by or against any other person, provided he is not the master or a member of the crew; or
- (c) any offenses committed on board a vessel of the sending state, at the request of, or with the consent of, the consular officer.

(2) When, in the cases specified in paragraph (1) of this article, the authorities of the receiving state decide to arrest or question a person or to attach property or institute an official inquiry on board a vessel the master or any other officer acting in his name shall be given an opportunity to inform the consular officer and, unless it is impossible owing to urgency of the matter, to give him sufficient advance notice to permit the consular officer to be present. If the consular officer has not been present or represented, he shall have the right to receive from the authorities of the receiving state, upon his request, full information about the measures taken.

(3) The provisions of this article shall not affect the routine examinations made by the authorities of the receiving state with regard to security, public health, the admission of aliens, safety of life at sea, and customs, or the detention of the vessel or of any portion of her cargo arising out of civil or commercial proceedings in the courts of the receiving state.

Article 38. (1) Subject to authorization from the master of the vessel, a consular officer shall have the right to visit a vessel of any flag bound for a port

of the sending state, in order to procure the necessary information to prepare and execute such documents as may be required by the laws of the sending state as a condition of entry of the vessel into the ports of the sending state, and to furnish the competent authorities of the sending state such information regarding sanitary or other matters as may have been requested by them.

(2) In exercising the rights conferred upon him by this article, the consular officer shall act with all possible despatch.

Article 39. (1) If a vessel of the sending state is wrecked in the receiving state, or if articles forming part of the cargo of a wrecked vessel of a third state but belonging to a national of the sending state are found on or near the coast of the receiving state or are taken into a port of the receiving state, the competent authorities of the receiving state shall inform the consular officer to that effect as soon as possible.

(2) The authorities of the receiving state shall take all practicable measures for the protection of the wrecked vessel, the lives of the persons on board, the cargo and other goods 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. When possible, such measures shall be taken in collaboration with the master of the vessel and the consular officer or the person acting on behalf of the latter.

(3) When a wrecked vessel of the sending state, or articles belonging to it or forming part of such vessel, are found on or near the coast of the receiving state or are taken to a port of the receiving state, and the master, the owner of the vessel, his agent, or the underwriters are not present or cannot make arrangements for custody or disposal, the appropriate consular officer, acting as representative of the owner of the vessel, shall have authority to make such arrangements as the owner could have made for the same purposes had he been present, in accordance with the laws of the receiving state.

(4) When articles forming part of the cargo of a wrecked vessel (other than a vessel of the receiving state) and belonging to a national of the sending state are found on or near the coast of the receiving state or are taken into a port of the receiving state, and the master of the vessel, the owner of the articles or his agent, or the underwriters are not present or cannot make arrangements for the custody or disposal of such articles, the appropriate consular officer, acting as representative of the owner, shall have authority to make such arrangements as the owner could have made for the same purposes had he been present, in accordance with the laws of the receiving state.

(5) No customs duties (including other duties imposed upon, or by reason of, the importation of the goods into the receiving state) shall be levied by the authorities of the receiving state 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 receiving state, but these authorities may, if they think fit, require security for the protection of the revenue in relation to such goods.

(6) No charges (other than customs duties, when they are applicable in accordance with paragraph (5) of this article) shall be levied by the authorities of the receiving state 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 40. Whenever the master or a member of the crew of a vessel of the sending state dies aboard such vessel while in the receiving state, the master or his substitute shall have the authority, if such deceased is a national of the sending state and there is no testamentary executor or administrator duly authorized in the receiving state, to take custody of the unpaid wages and personal property of the estate which is on the vessel, for return to the sending state for settlement in accordance with its laws.

TITLE VII

GENERAL PROVISIONS

Article 41. Consular officers may further the development of economic, commercial and cultural relations between the sending state and the receiving state.

Article 42. In the performance of their official functions, consular officers may apply to and correspond with the appropriate authorities in their consular districts. They may apply to and correspond with the Department of State or the Ministry of Foreign Affairs, as the case may be, only in the absence of a diplomatic agent of the sending state.

Article 43. In the performance of his official functions, a consular officer may levy the fees and charges prescribed by the sending state. The fees and charges so collected must be freely convertible and transferable in the currency of the sending state.

Article 44. Articles 5, 8(4) and (5), 9(2), 10, 13(3) (a) and (b), 14, 17(2) and (4), 20(1) (b), 21(4), and 45(1) (with the exception of the immunity provided under article 8(1)), 45(2) and (3) shall be applicable to persons who are employed in the domestic service of a consulate of the sending state.

Article 45. (1) Except in so far as additional facilities, privileges and immunities may be granted by the receiving state, consular officers or consular employees who are nationals of or permanently resident in the receiving state or who carry on any private gainful occupation in the receiving state shall enjoy only the immunities provided by articles 8(1) and 9(2) of the present Convention.

(2) (a) Members of the families of the persons referred to in paragraph (1) of this article shall enjoy only the facilities, privileges and immunities granted to them by the receiving state.

(b) Members of the families of consular officers or consular employees who are themselves nationals of or permanently resident in the receiving state shall enjoy only the facilities, privileges and immunities as may be granted to them by the receiving state.

(3) The receiving state shall exercise its jurisdiction over the persons referred to in paragraphs (1) and (2) of this article in such a way as not to hinder unduly the performance of the functions of the consulate.

(4) Article 7(1) of the present Convention shall be applicable to consular officers who are nationals of or permanently resident in the receiving state or who carry on any private gainful occupation in the receiving state.

Article 46. Any dispute concerning the interpretation or application of the present Convention should be settled by negotiation. Any dispute not settled by negotiation may be referred, at the initiative of either High Contracting Party, to the International Court of Justice for decision, provided:

- (a) that neither Party shall submit to the Court any matter falling within the discretion of either Party under the Convention; and
- (b) that neither Party may submit a dispute to the Court until all legal remedies relating thereto have been exhausted in the territory of the other Party.

Article 47. The present Convention shall replace and terminate the Convention between Belgium and the United States of America concerning the Rights, Privileges and Immunities of Consular Officers signed at Washington on March 9, 1880.¹

Article 48. 1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Brussels. The Convention shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification.

2. The Convention shall remain in force until the expiration of six months from the date on which either High Contracting Party informs the other of its intention to terminate it.

¹ *British and Foreign State Papers*, vol. 71, p. 93.

tions de l'article 22 de la Convention consulaire, sont transférés, cédés ou donnés en usage à des tiers, non bénéficiaires d'une exemption, la franchise accordée en vertu dudit article 22 cesse d'être applicable et les impôts en jeu deviennent exigibles dans le chef de celui à qui la franchise a été accordée lors de l'importation.

Enfin, au cas où les obligations résultant dudit Traité devraient amener à l'avenir le Gouvernement belge à modifier la portée actuelle de l'article 22 de la Convention consulaire, le Gouvernement belge en informera aussitôt le Gouvernement des États-Unis d'Amérique.

Je saisis cette occasion de présenter à Votre Excellence l'assurance de ma très haute considération.

L'Ambassadeur de Belgique,
[Signé]
Baron SCHEYVEN

A son Excellence
Monsieur le Secrétaire d'Etat
Washington D. C.

vaartuigen, die bij toepassing van de bepalingen van artikel 22 van de Consulaire Overeenkomst vrij ingevoerd zijn, worden overgedragen, overgedaan of in bruikleen afgestaan aan derden die geen vrijstelling genieten, de op grond van het voornoemde artikel 22 toegestane vrijstelling niet meer van toepassing is en de desbetreffende belastingen kunnen worden opgevorderd en wei ten bezware van hem aan bij de invoer de vrijstelling is toegestaan.

Bijaldien, ten slotte, de uit het voornoemde Verdrag voortvloeiende verplichtingen de Belgische Regering in de toekomst ertoe zouden nopen de huidige strekking van artikel 22 van de Consulaire Overeenkomst te wijzigen, zal de Belgische Regering onverwijld de Regering van de Verenigde Staten van Amerika daarvan in kennis stellen.

Uwe Excellentie gelleve de verzekering mijner zeer bijzondere hoogachting wel te willen aanvaarden.

De Ambassadeur van België,
[Signed — Signé]
Baron SCHEYVEN

Aan Zijne Excellentie
de Heer Staatssecretaris
Washington, D. C.

[TRANSLATION — TRADUCTION]

Washington D. C. 2 September 1969

Excellency,

[See letter II a]

Accept, Sir, etc.

[Signed]
Baron SCHEYVEN
Ambassador of Belgium

To His Excellency the Secretary of State
Washington D. C.

II a

DEPARTMENT OF STATE
WASHINGTON

September 2, 1969

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of September 2, 1969, which reads as follows:

“At the time of signing the Consular Convention between our two countries, I have the honor to draw the attention of Your Excellency to the following:

“Under the terms of the Benelux Treaty of Economic Union, signed at The Hague on February 3, 1958¹, Belgium, the Grand Duchy of Luxembourg and the Netherlands undertook in particular to apply, under identical conditions, a common system of exemptions with respect to the importation of articles for foreign diplomatic missions, consular posts, diplomatic agents, career consular officers, members of the administrative and technical staff of diplomatic missions, and foreign consular employees.

“Consequently, with a view to clarifying the meaning of the words ‘on a basis of strict reciprocity,’ which appear in article 22, paragraphs (1) and (2) of the Consular Convention, I am to inform Your Excellency that at present, exemptions from duties and taxes on imports provided:

“(1) in article 22, paragraph (1), on construction materials, may be granted, for diplomatic purposes, only to the extent that such materials are intended exclusively for the construction or repair of the buildings of diplomatic missions, excluding residences;

“(2) in article 22, paragraph (1), may be granted, as regards consular purposes, only on articles intended for the official use of consular posts, and to the extent that such articles are:

“(a) official emblems and documents and office furnishings and supplies, shipped by the sending state, or in its name, to a consular post;

“(b) vehicles, vessels and aircraft, to the extent that the consular post in question is headed by a career consular officer who personally fulfills the conditions for obtaining the exemptions referred to in article 22, paragraph (2) of the Consular Convention;

“(c) articles grown, produced or manufactured in the sending state and intended for display in the premises of a consular post as commercial samples, provided that they are subsequently re-exported or destroyed;

“(3) for the benefit of consular officers and consular employees under article 22, paragraph (2), may be granted only if the person concerned is a career consular officer or a consular employee who is not a citizen or a permanent resident of the state in which he is residing and does not deal in any private occupation being of a profitable nature in this state.

¹ United Nations, *Treaty Series*, vol. 381, p. 165.

“Moreover, it follows from the Benelux Treaty of Economic Union that, if goods and other articles, including vehicles, vessels and aircraft, admitted under article 22 of the Consular convention, are transferred, conveyed or lent to third parties who do not enjoy exemption, the exemption granted under the aforementioned article 22 ceases to apply, and the taxes in question become payable by the person to whom the exemption was granted at the time of importation.

“Lastly, in the event that obligations arising out of the aforementioned Treaty lead the Government of Belgium in future to alter the present scope of article 22 of the Consular Convention, the Government of Belgium will immediately so inform the Government of the United States of America.”

I am authorized to inform Your Excellency that my Government is happy to take due note of these provisions.

Accept, Excellency, the renewed assurances of my highest consideration.

[Signed — Signé]¹

His Excellency Baron Scheyven
Ambassador of Belgium

[TRADUCTION — TRANSLATION]

DÉPARTEMENT D'ÉTAT
WASHINGTON

Le 2 septembre 1969

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de votre note du 2 septembre 1969 libellée comme suit :

[Voir note 1 a]

Je suis chargé de vous informer que mon Gouvernement prend dûment note de ces dispositions.

Veillez agréer, etc.

[WILLIAM P. ROGERS]

Son Excellence le Baron Scheyven
Ambassadeur de Belgique

¹ Signed by William P. Rogers — Signé par William P. Rogers.

[TRANSLATION — TRADUCTION]

Washington D. C., 2 September 1969

Excellency,

[See letter II b]

Accept, Sir, etc.

[Signed]

Baron SCHEYVEN
Ambassador of BelgiumHis Excellency the Secretary of State
Washington D. C.

II b

DEPARTMENT OF STATE
WASHINGTON

September 2, 1969

Excellency:

I have the honor to acknowledge receipt of Your Excellency's note of September 2, 1969, which reads as follows:

“At the time of signing the Consular Convention between our two countries, I have the honor to propose the following:

“From the entry into force of the Convention, and for as long as it remains in force, each of the High Contracting Parties, without prejudice to the rights and advantages which it enjoys under the terms of customary international law, or of agreements in force between the High Contracting Parties, will accord to diplomatic agents and to members of the administrative and technical staff of the diplomatic mission of the other Party, whose appointment has been duly notified through diplomatic channels, treatment no less favorable than that prescribed for consular officers and for consular employees, respectively, in titles III and IV and in article 45 of the Convention.

“Similarly, members of the service staff of the diplomatic mission of each Party will enjoy treatment no less favorable than that prescribed in article 44 of the Convention.”

I am authorized to inform Your Excellency that the terms of this note meet with the approval of the United States Government.

Accept, Excellency, the renewed assurances of my highest consideration.

[Signed — Signé]¹His Excellency Baron Scheyven
Ambassador of Belgium

¹ Signed by William P. Rogers — Signé par William P. Rogers.