

**No. 13379**

---

**FRANCE  
and  
TUNISIA**

**Consular Convention. Signed at Paris on 28 June 1972**

*Authentic texts: French and Arabic.*

*Registered by France on 31 May 1974.*

---

**FRANCE  
et  
TUNISIE**

**Convention consulaire. Signée à Paris le 28 juin 1972**

*Textes authentiques : français et arabe.*

*Enregistrée par la France le 31 mai 1974.*

## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF TUNISIA

The President of the French Republic and the President of the Republic of Tunisia,

Desiring to strengthen and develop the special ties existing between France and Tunisia and to that end to conclude a Consular Convention defining the rules applicable to consular relations between their countries,

Affirming that the provisions of the Vienna Convention on Consular Relations of 24 April 1963<sup>2</sup> shall continue to govern questions not specifically regulated by the provisions of this Convention, have appointed as their plenipotentiaries:

The President of the French Republic:

Mr. Maurice Schumann, Minister for Foreign Affairs,

The President of the Republic of Tunisia:

Mr. Mohamed Masmoudi, Minister for Foreign Affairs,

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

## TITLE I. DEFINITIONS

*Article 1.* For the purposes of this Convention:

1. The term "sending State" means the High Contracting Party which appoints the consular officers as defined below.
2. The term "receiving State" means the High Contracting Party in whose territory the consular officers exercise their functions.
3. The term "national" means nationals of one of the two States and, where the context permits, juridical entities having their head offices in the territory of one of the two States and duly constituted under the law of that State.
4. The term "consular post" means any consulate-general, consulate, vice-consulate or consular agency.
5. The term "consular district" means the area assigned to a consular post for the exercise of consular functions.
6. The term "head of consular post" means the person charged with the duty of acting in that capacity.
7. 1. The term "consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions as consul-general, consul, deputy consul, vice-consul or consular attaché.

<sup>1</sup> Came into force on 1 January 1974, i.e., the first day of the second month following the exchange of the instruments of ratification, which took place at Tunis on 30 November 1973, in accordance with article 42.

<sup>2</sup> United Nations, *Treaty Series*, vol. 596, p. 261.

2. A consular officer may be:

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

8. The term "head of separate chancellery" means a consular officer permanently assigned by the head of a consular post to a part of his district.

9. The term "consular agent" means a person of any nationality who is entrusted in that capacity with the exercise of certain consular functions in an area within a consular district or in a locality in that district other than that in which the consular post is established.

A consular agent may, in addition to his consular functions, carry on a gainful activity in the receiving State.

10. The term "a consular employee" means any person employed in the administrative or technical service of a consular post.

11. The term "member of the service staff" means any person employed in the domestic service of a consular post.

12. The term "members of the consular post" means consular officers, consular employees and members of the service staff.

13. The term "member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post.

14. The term "consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post or its separate chancelleries.

15. The term "consular archives" includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

16. The term "vessel" of a Contracting State, for the purposes of articles 33, 34, 35, 36 and 37 of this Convention, means any ship registered in accordance with the laws of that State. For the purposes of the other provisions of this Convention, however, the term "vessel" means any ship or craft, whether registered or not.

## TITLE II. ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

*Article 2.* 1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consular post may be made by the sending State only with the consent of the receiving State.

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate, a separate chancellery or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

*Article 3.* 1. *a)* Heads of consular posts other than consular agents 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 without delay and free of charge.

Pending delivery of the exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions and allowed to benefit from the provisions of this Convention.

As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of this Convention.

*b)* Receiving State shall admit consular officers who are not heads of posts to the exercise of their functions upon their appointment, provided that notification is given;

*c)* Consular agents shall be appointed by the sending State and admitted to the exercise of their functions with the consent of the receiving State.

2. The receiving State shall not refuse or revoke an exequatur, or withhold or withdraw an authorisation for, or demand the recall of, a consular officer who is not head of a post, except for grave reasons.

*Article 4.* 1. The Ministry for Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

*a)* The appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;

*b)* The arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;

*c)* The arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;

*d)* The engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.

2. When possible, prior notification of arrival and final departure shall also be given.

*Article 5.* 1. Consular officers or consular employees may exercise temporarily, as acting head of post, the functions of a head of a consular post who has died or is unable to carry out his functions because of illness or for any other reason. Acting heads of consular posts may, upon notification to the competent authorities of the receiving State, 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 head of post is appointed.

2. When, in the circumstances referred to in the foregoing paragraph of this article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall continue to enjoy diplomatic privileges and immunities.

### TITLE III. IMMUNITIES AND PRIVILEGES

*Article 6.* The sending State shall be entitled, in accordance with the laws and regulations of the receiving State, to 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 consular officer.

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 laws and regulations applicable to the area in which the land is situated.

Consular premises and the residence of the career consular officer of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

The exemption from taxation referred to in the foregoing paragraph of this article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

*Article 7.* 1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

*Article 8.* Consular premises, including the furnishings and the property contained therein, owned or occupied for consular purposes by the sending State, as well as its means of transport, shall be immune from any form of requisition. Such premises shall not be immune from expropriation for reasons of national defence or public utility, in accordance with the law of the receiving State. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

*Article 9.* Consular premises and the residence of the career head of the consular post shall be inviolable. Agents of the receiving State may not enter such premises without the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State.

The consent shall, however, be assumed in case of fire or other disaster requiring prompt protective action.

*Article 10.* Career or honorary consular officers who are heads of posts, and consular agents, may display on the exterior of the consular building and on their residence the coat of arms of the sending State with an appropriate inscription designating the consular post in the official language of the sending State.

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

Heads of consular posts may also, in the exercise of their functions, display the flag of the sending State on the motor vehicles, vessels and aircraft intended for their exclusive use.

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

2. Consular agents and honorary consular officers shall keep such documents separate from other papers and documents, and particularly from the private correspondence of the head of the consular post or of any person working with him, as well as from the property, books or documents relating to their occupation or business.

*Article 12.* 1. The receiving State shall grant and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. The term "official correspondence" means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this article, they may request that the bag 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 bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents of articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

*Article 13.* 1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this article, and the receipts for such fees and charges shall be exempt from all dues and taxes in the receiving State.

*Article 14.* The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

*Article 15.* 1. Consular officers shall not be liable to arrest or detention pending trial except in the case of an offence punishable under the law of the receiving State by deprivation of liberty for a period of at least five years and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this article, consular officers shall not be committed to prison or be liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

4. In the event of the arrest or detention, pending trial, of a consular officer, or proceedings being instituted against him the receiving State shall immediately notify the diplomatic mission or consular post to which he is assigned.

*Article 16.* 1. Consular officers and consular employees 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.

2. The provisions of paragraph 1 of this article shall not, however, 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.

*Article 17.* 1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

*Article 18.* 1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in this Convention.

2. The waiver shall in all cases be express, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under article 16 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

*Article 19.* 1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.



3. Honorary consular officers, consular agents and consular employees shall be assisted in the completion of any formalities to which they might be subject on account of their status as aliens.

*Article 20.* 1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this article.

*Article 21.* 1. Subject to the provisions of paragraph 3 of this article members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from the provisions of the social security laws which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

- a) That they are not nationals of or permanently resident in the receiving State; and
- b) That they are covered by the provisions of the social security laws which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the provisions of the social security laws of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

*Article 22.* 1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- b) Dues or taxes on private immovable property situated in the territory of the receiving State;
- c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph 2 of article 24;
- d) Dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- e) Charges levied for specific services rendered;
- f) Registration, court or record fees, mortgage dues and stamp duties.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive from the sending State for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

*Article 23.* 1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

- a) Articles for the official use of the consular post;
- b) Articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph (b) of this article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in paragraph (b) of this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

*Article 24.* In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

1. Shall permit the export of the movable property of the deceased with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
2. Shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

*Article 25.* Consular officers shall be entitled as official agents of the sending State, to suitable protection and special consideration on the part of all officials of the receiving State.

*Article 26.* Without prejudice to their privileges and immunities, all persons benefiting from such privileges and immunities shall comply with the laws and regulations of the receiving State and particularly the traffic regulations.

They shall also be required not to interfere in the domestic affairs of that State.

*Article 27.* Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

*Article 28.* Honorary consular officers and consular agents shall only enjoy immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and also the privilege provided for in article 17, paragraph 3. The receiving State shall also be bound by the obligation laid down in article 15, paragraph 4, concerning such honorary consular officers and consular agents. Where criminal proceedings are instituted against any such consular officer or agent, the proceedings shall be conducted in such a way as to interfere as little as possible, with the performance of consular functions, unless the person concerned is under arrest or detention.

With the exception of consular officers, other members of a consular post who are nationals of the receiving State or of a third State or are permanently resident in the receiving State, or carry on a private gainful activity, and members of their families, as well as members of the families of the consular officers and agents referred to in paragraph 1 of this article, shall not be entitled to the facilities, privileges and immunities provided for in this title.

The members of the family of a member of the consular post who are themselves nationals of the receiving State or of a third State, or are permanently resident in the receiving State, shall likewise not be entitled to the facilities, privileges and immunities provided for in this section. The receiving State shall, however, exercise its jurisdiction over such persons in such a way as not unduly to impede the performance of the functions of the consular post.

#### TITLE IV. CONSULAR FUNCTIONS

*Article 29.* Consular officers shall be empowered:

1. To protect in the receiving State the rights and interests of the sending State and its nationals, and to further the development of relations in commercial, economic, tourist, social, scientific, cultural and technological matters between the High Contracting Parties.
2. To assist nationals of the sending State in their dealings with the authorities of the receiving State.
3. To make arrangements, subject to the practices and procedures obtaining in the receiving State, for suitable representation of nationals of the sending State before the tribunals and other authorities of the receiving State and the adoption of provisional measures for the preservation of the rights and interests of these nationals where, because of absence or for any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests.
4. To ascertain by all lawful means conditions and developments in the commercial, economic, tourist, social, scientific, cultural and technological life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested.

*Article 30.* Within their consular district, consular officers shall be entitled:

1. To keep a register of and, to the extent compatible with the laws of the receiving State, take censuses of their nationals; for that purpose they may request the assistance of the competent authorities of that State.
2. To publish notices in the press for the attention of their nationals or transmit to them various orders and documents issued by the authorities of the sending State, where such notices, orders or documents concern national service.
3. To issue, renew or amend:
  - a) Passports and other travel documents for nationals of the sending State;
  - b) Visas and appropriate documents for persons wishing to travel to the sending State.
4. To transmit judicial and extra-judicial instruments or execute letters rogatory in accordance with international agreements in force or, in the absence of such agreements, in any other manner compatible with the laws and regulations of the receiving State.
5.
  - a) To translate and legalize any document issued by the authorities or officials of the sending State or the receiving State provided that there is nothing contrary thereto in the laws and regulations of the receiving State. Such translations shall have the same force and validity as if they had been done by official translators of one of the two States;
  - b) To receive any declarations, draw up any instruments, authenticate or certify signatures, stamp, certify or translate documents where such instruments or formalities are required by the laws or regulations of the sending State.
6. To receive in notarized form, provided that there is nothing contrary thereto in the laws and regulations of the receiving State:
  - a) Deeds and contracts which their nationals wish to draw up and conclude in that form, with the exception of contracts or instruments relating to the establishment or transfer of real rights to immovable property situated in the receiving State;
  - b) Deeds and contracts, irrespective of the nationality of the parties concerned, in so far as they relate to property situated or business to be negotiated in the territory of the sending State, or in so far as they are likely to have legal effects in that territory.
7. To accept for safekeeping, provided that there is nothing contrary thereto in the laws of the receiving State, money, documents and articles of any kind turned over to them by nationals of the sending State or on their behalf. Items thus deposited shall not be subject to the immunity provided for in article 11 of this Convention and shall be kept separately from the archives, documents and records to which the provisions of that article apply. Such items may be exported from the receiving State only in accordance with the laws and regulations of that State.
8.
  - a) To draw up, transcribe and transmit certificates of civil status of nationals of the sending State;

- b) To solemnize marriages, where the prospective spouses are nationals of the sending State; they shall inform the competent authorities of the receiving State thereof if the law of that State so requires;
  - c) To transcribe or record on the basis of a judicial decision enforceable under the law of the sending State, the dissolution of any marriage contracted before them.
9. To receive any declarations of emancipation or declarations relating to adoption and, to the extent compatible with the respective laws of each of the two States, arrange for guardianship or trusteeship for those of their nationals who are under a disability.

The provisions of paragraphs 8 and 9 of this article shall not exempt nationals of the sending State from the obligation to make the declarations required by the law of the receiving State.

*Article 31.* 1. Unless the person concerned objects, the consular post of the sending State shall be informed by the authorities of the receiving State of any action involving deprivation of liberty, taken with respect to one of its nationals, and of the grounds for such action, within a time-limit of one to six days following the date on which the national was arrested, detained or deprived of his liberty in any way.

Any communication addressed to the consular post by the person arrested, detained or deprived of his liberty in any way shall be forwarded immediately by the authorities of the receiving State. Those authorities shall inform the person concerned of his rights under this paragraph.

2. Consular officers may visit a national of the sending State who is imprisoned, undergoing detention pending trial or deprived of his liberty in any way, unless the national expressly refuses and may converse and correspond with him. The right to visit such nationals and to communicate with them shall be granted to consular officers within a time-limit of two to twelve days following the date on which the national was arrested, detained or deprived of his liberty in any way.

3. The rights referred to in paragraph 2 of this article shall be exercised in conformity with the laws and regulations of the receiving State.

*Article 32.* 1. Where a national of the sending State dies in the territory of the receiving State, the competent authority of the latter State shall notify the consular post without delay.

2. a) Where the consular post, on being informed of the death of one of its nationals, so requests, any competent authorities of the receiving State shall, in so far as the law of that State permits, provide the post with any information they are able to obtain with a view to the compilation of an inventory of the estate of the deceased and a list of the persons entitled to inherit.

b) The consular post of the sending State may request the competent authority of the receiving State to take immediate measures for the protection and administration of an estate left in the territory of the receiving State.

c) The consular officer may assist, directly or through a representative, in carrying out the measures referred to in subparagraph (b).

3. If conservatory measures need to be taken and no heir is present or represented, a consular officer of the sending State shall be invited by the authorities of the receiving State to attend, if necessary, the operations for affixing or removing seals and for taking the inventory.

4. If, after the completion of succession proceedings in the territory of the receiving State, the movable estate or the proceeds of the sale of the movable or immovable estate are to descend to a statutory or testamentary heir who is a national of the sending State and who is not resident in the territory of the receiving State and has not appointed a representative, such estate or proceeds shall be delivered to the consular post of the sending State provided that:

- a) The status of the statutory or testamentary heir has been proved;
- b) The competent authorities have authorized delivery of the estate or proceeds where such authorization is required;
- c) All claims on the estate presented in the period prescribed by the laws of the receiving State have been paid or secured;
- d) The estate duties have been paid or secured.

5. If a national of the sending State temporarily in the territory of the receiving State dies in that territory, any personal effects and money left by the deceased which have not been claimed by an heir who is present shall be delivered to the consular post of the sending State, without formal proceedings, for temporary safekeeping subject to the right of the administrative or judicial authorities of the receiving State to take possession of the property in question in the interests of justice.

The consular post shall deliver such personal effects and money to any authority of the receiving State appointed to arrange for the administration or disposal of the property. It must observe the laws of the receiving State with regard to the export of the effects and the transfer of money.

*Article 33.* When a vessel of the sending State is in a port of the receiving State, the master and the members of the crew of the vessel shall be permitted to communicate with the head of the consular post in whose district the port is situated and the head of the consular post shall be empowered freely to perform the duties enumerated in article 34 without interference on the part of the authorities of the receiving State. For the purpose of performing any of these duties, the head of the consular post, accompanied, if he so wishes, by one or more members of the consular staff, may proceed personally on board the vessel after it has received *pratique*.

In connexion with these duties the master and any member of the crew may proceed to the consular post in the consular district within which the vessel lies and shall, if necessary, be provided with a safe-conduct for that purpose by the authorities of the receiving State. In the event that these authorities object on the ground that it would not be practicable for the master and members of the crew concerned to rejoin the vessel before its departure, they shall immediately inform the appropriate consular post.

The head of the consular post may request the assistance of the authorities of the receiving State in any matter pertaining to the performance of the func-

tions specified in this article; they shall give such assistance unless they have valid reasons for refusing it in a particular case.

*Article 34.* Consular officers may:

1. Receive any declaration and draw up any document prescribed under the law of the sending State concerning:
  - a) Registration of a vessel in the sending State if the vessel was neither built nor registered in the receiving State or, if it was built and registered there, after authorization has been given by that State;
  - b) Cancellation of the registration of a vessel of the sending State;
  - c) Issue of navigation papers for pleasure craft of the sending State;
  - d) Any change in ownership of a vessel of that State;
  - e) Any registration of a mortgage or other encumbrance on a vessel of that State.
2. Question the master and members of the crew, examine the vessel's papers, receive declarations regarding the vessel's voyage and destination and in general facilitate the entry and departure of the vessel.
3. Appear with the master or members of the crew before the authorities of the receiving State and lend their assistance, and where necessary, arrange for legal aid.
4. Provided that the judicial authorities of the receiving State do not take jurisdiction in accordance with the provisions of article 35 of this Convention, decide disputes of any kind between the master, officers and members of the crew, including disputes regarding wages and the fulfilment of contracts of service. Subject to the same proviso, they may exercise the powers vested in them by the sending State in respect of the engagement, embarkation, discharge and disembarkation of the seamen and take action to ensure the maintenance of order and discipline on the vessel.
5. Take action to ensure the enforcement of the shipping laws of the sending State.
6. Where necessary, make arrangements for the treatment in a hospital and the repatriation of the master or members of the crew of the vessel.
7. Take inventories and carry out any other operations necessary to safeguard property and articles of any kind left by nationals, seamen and passengers who die on board a vessel of the sending State before its entry into port.

*Article 35.* 1. Save at the request or with the consent of the head of the consular post or, failing that, where the latter is unable to make such request or give such consent, at the request or with the consent of the master, the authorities of the receiving State shall not concern themselves with any matter relating to the internal management of the vessel.

2. Save at the request or with the consent of the master or the head of the consular post, the authorities of the receiving State shall not intervene in any matter arising on board the vessel except to keep the peace and maintain order, or in the interests of public health or safety, on shore or in the port, or to control disturbances in which persons not forming part of the crew are involved.

3. The authorities of the receiving State shall not institute prosecutions in respect of offences committed on board the vessel unless such offences:

- a) Involve the tranquillity or safety of the port or the laws of the territory regarding public health, the safety of human life at sea, customs and other control measures;
- b) Are committed by or against persons other than members of the crew, or by or against nationals of the receiving State; or
- c) Are offences for which a penalty involving deprivation of liberty for at least five years may be imposed under the law of both High Contracting Parties.

4. If, for the purpose of the exercise of the rights referred to in paragraph 3 of this article, the authorities of the receiving State intend to arrest or question any person or to seize any property or to institute any formal enquiry on board the vessel, they shall notify the competent consular officer in writing in good time so that he may be present at such inspections, investigations or arrests. The notice issued to that effect shall specify a particular time and, if the consular officer is not present or represented, the authorities shall proceed without him. A similar procedure shall be followed in cases where the master or members of the crew are required to make statements before local courts or administrative bodies.

5. The provisions of this article shall not apply to routine examinations with regard to customs, health, the admission of aliens or the inspection of international safety certificates, or to seizure of the vessel or of any portion of its cargo on account of civil or commercial proceedings in the courts of the receiving State.

*Article 36.* 1. If a vessel of the sending State is wrecked or stranded in the receiving State, the consular post in whose district the shipwreck or stranding occurs shall be informed as soon as possible by the appropriate authorities of the receiving State.

The latter shall take all necessary measures to ensure the preservation of the wrecked vessel, of the lives of persons on board, of the cargo and other property on board, and for the prevention and suppression of plunder or disorder on the vessel.

If the vessel is wrecked or stranded in a port or constitutes a navigational hazard within the territorial waters of the receiving State, the competent authorities may also arrange for any measures to be taken which they consider necessary with a view to avoiding any damage that might be caused by the vessel to the port facilities or to other vessels.

Subject to compliance with the laws of the territory, the head of the consular post shall be deemed to be authorized to make, as agent for the owner, the arrangements which the latter could have made, if he had been present, with regard to the disposal of the vessel, except where the master has been furnished by the owner with the requisite powers enabling him to act on his behalf, or where all persons having a proprietary interest in the vessel or its cargo, including the owners and the underwriters or their representatives having the necessary authority to act in respect of all such interests, are present, and discharge the expenses already incurred and give security for the balance which remains to be settled.



No duties or charges on the import of goods into the territory shall be levied by the authorities of the receiving State on the articles carried by or forming part of the wrecked or stranded vessel, unless they are brought ashore for use or consumption in the territory.

No duties or charges other than those referred to in the foregoing subparagraph shall be levied by the authorities of the receiving State in connexion with the wrecked or stranded vessel or its cargo, other than duties and charges of the same kind and amount as would be levied in similar circumstances on vessels of the receiving State.

2. Where a vessel under any flag other than that of the receiving State is wrecked and articles belonging or forming part of such vessel or its cargo are found on or near the coast of the receiving State, or are brought into a port of that State, the head of the consular post in whose district such articles are found or brought into port shall be authorized to make, as agent of the owner of the articles, such arrangements relating to the custody and disposal of the articles as the owner himself could have made in accordance with the relevant laws in force in the receiving State, if:

- a) The articles form part of a vessel of the sending State or belong to nationals of that State;
- b) Neither the owner of the articles, his agent, the underwriter, nor where the law of the flag permits, the master of the vessel are in a position to make those arrangements.

*Article 37.* The provisions of articles 33, 34, 35 and 36 shall not apply to warships.

*Article 38.* 1. Consular officers may exercise such control and inspection rights as are provided for in the laws and regulations of the sending State in respect of aircraft registered in that State and their crews. They may also extend assistance to them.

2. If an aircraft registered in the sending State suffers an accident in the territory of the receiving State, the competent authorities of the latter State shall immediately notify the consular post nearest to the place of the accident.

*Article 39.* In addition to the functions provided for by this Convention, consular officers may exercise any other consular function recognized by the receiving State as compatible with their status.

Acts performed in the exercise of such consular functions may call for the levying of duties and charges prescribed in that connexion by the law of the sending State.

## TITLE V. FINAL PROVISIONS

*Article 40.* This Convention shall apply to the entire territory of each of the High Contracting Parties.

*Article 41.* Disputes between the two States regarding the application or interpretation of this Convention shall be settled through the diplomatic channel.

*Article 42.* This Convention shall enter into force on the first day of the second month following the exchange of the instruments of ratification, which shall take place at Tunis. It shall remain in force for an indefinite period.

Either of the High Contracting Parties may denounce this Convention at any time and the denunciation shall take effect six months after the date of receipt of notification thereof by the other State.

IN WITNESS WHEREOF the plenipotentiaries of the High Contracting Parties have signed this Convention and have thereto affixed their seals.

DONE at Paris on 28 June 1972, in duplicate in the French and Arabic languages, both texts being equally authentic.

For the President  
of the French Republic:

[Signed]

MAURICE SCHUMANN

For the President  
of the Republic of Tunisia:

[Signed]

MOHAMED MASMOUDI

---