

No. 16158

**FRANCE
and
SENEGAL**

Consular Convention. Signed at Paris on 29 March 1974

Authentic text: French.

Registered by France on 29 December 1977.

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Enregistrée par la France le 29 décembre 1977.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE GOVERNMENT OF THE
FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC
OF SENEGAL

The Government of the French Republic, on the one hand,
The Government of the Republic of Senegal, on the other hand,
In pursuance of the principles affirmed by the Treaty of friendship and co-operation²
between them,
Have agreed as follows:

Part I. APPLICATIONS AND DEFINITIONS

Article I. This Convention shall apply to the respective territories of the French Republic and the Republic of Senegal.

Article II. 1. "Sending State" means the Contracting Party which appoints the consuls as defined below.

2. "Receiving State" means the Contracting Party in whose territory the consuls exercise their functions.

3. "National" means a national of one of the two States and, where the context permits, a juridical person having its head office in the territory of one of the two States and duly constituted under the legislation of that State.

4. "Head of consular post" means the person who administers a consulate.

5. "Consul" means any person duly appointed by the sending State to exercise consular functions in the receiving State as consul-general, deputy consul-general, consul, deputy consul, vice-consul or consular attaché who has been admitted to the exercise of those functions in the manner specified in article IV of this Convention. A consul may be:

(a) a "career consul" if he is a national of the sending State and not of the receiving State and carries on no professional activities in the receiving State other than his consular functions;

(b) an "honorary consul" if he is a person, of any nationality, who may carry on a gainful activity in the receiving State other than his consular functions.

6. "Consular agent" means a person, of any nationality, who with the consent of the receiving State has been appointed to serve in that capacity by the consul under whose authority he is to act and from whom he receives a commission. A consular agent may carry on a gainful activity other than his consular functions in the receiving State. He may be given the title of honorary consul or honorary vice-consul.

7. "Consular employee" means a person, of any nationality, who exercises an administrative or technical consular function and carries on no other gainful activity in the receiving State, and in respect of whom the notification provided for in article VII has been issued.

8. "Member of the service staff" means any person employed in the service of a consulate as messenger, driver or usher or in any similar function.

¹ Came into force on 1 September 1976, i.e., the first day of the second month following the date of exchange of the instruments of approval, which took place at Paris on 16 July 1976, in accordance with article XLIV.

² See p. 185 of this volume.

9. "Members of the consular post" means consuls, including the head of consular post, consular employees and members of the service staff.

10. "Consular post" means any consular establishment, to wit a consulate-general, consulate, vice-consulate, separate chancellery or consular agency.

11. "Consular premises" means a building or part of a building and the land ancillary thereto, irrespective of ownership, used exclusively for the exercise of consular functions and declared as such to the authorities of the receiving State.

12. "Port" means any place having appropriate infrastructures and recognized as such, where a vessel may touch land.

13. "Vessel" of one of the States means, for the purposes of part VI of this Convention, any vessel registered in conformity with the legislation of one of the States to which the Convention applies. However, in other parts of this Convention, "vessel" means any vessel or craft, whether registered or not, with the exception of warships.

Part II. CONSULAR DISTRICT AND ADMISSION OF CONSULS

Article III. 1. A consular post may be established in the receiving State only with that State's consent.

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

3. Subsequent changes in the site 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 consulate apart from the site thereof.

Article IV. Consuls who are heads of consular posts shall be admitted and recognized by the Government of the receiving State, in the manner prescribed by the rules and formalities of that State, on presentation of their consular commissions. The exequatur in which their district is specified shall be issued to them forthwith free of charge.

The Government of the receiving State shall immediately notify the higher authorities of the consular district concerned of the appointment of the head of a consular post. On being so notified and on presentation of the exequatur, the aforesaid authorities shall forthwith take all necessary measures to enable the consul to perform the duties of his office and to enjoy the rights, powers, prerogatives and immunities granted to him under this Convention.

The exequatur may be refused or withdrawn. No grounds shall be given for decisions of refusal or withdrawal.

Pending delivery of the exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In such event, the provisions of this Convention shall apply.

The receiving State shall admit other consuls and consular agents to the exercise of their functions upon their appointment, provided that notification is given. Their recall may be requested by the receiving State. No grounds shall be given for such request for recall.

Article V. Consuls or consular employees may exercise temporarily, as acting head of post, the functions of a consul, head of a consular post, who has died or is unable to carry out his functions because of illness or absence or for any other reason. Acting heads

of consular posts may, upon notification to the local authorities, exercise their functions and have the benefit of the provisions of this Convention until such time as the head of the post resumes his functions or a new consul is appointed.

A member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State may also be designated by the sending State as an acting head of post in the circumstances set forth above. In such event, he shall, unless the receiving State objects, continue to enjoy diplomatic privileges and immunities.

Article VI. Career consuls who are heads of consular posts may appoint consular agents. Such agents must hold a commission issued to that end by the consul who appointed them and under whose authority they act.

Article VII. Consuls who are heads of post shall notify the authorities of the receiving State of the full names, occupations and addresses of the members of their posts in the manner specified in the regulations of the receiving State.

Part III. PRIVILEGES AND IMMUNITIES

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

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

Buildings or premises owned or leased by the sending State and used as consulate offices or as the residence of a career consul shall be exempt from the duties and taxes levied on such buildings or on income from them in the receiving State. No charge shall be levied by the receiving State on the acquisition of such buildings, whether against payment or free of charge. The foregoing exemption shall not apply to charges representing payment for services rendered.

The exemption from taxation referred to in the foregoing paragraph shall not apply to such duties and taxes if, under the laws and regulations 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 IX. Heads of consular posts and consular agents may display on the consular building the coat of arms of the sending State with an appropriate inscription to designate the consulate or consular agency.

They may also display the flag of the sending State on the consular building.

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

Each of the States shall ensure respect for and protection of the national flags, coats of arms and consular flags.

Article X. 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 or seize them on any pretext.

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

Article XI. 1. The receiving State shall grant and protect the freedom of communication 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 of communication, including diplomatic or consular couriers, the diplomatic or consular bag and messages in code or cipher. However, the consular post may install and use a radio 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 neither be opened nor be detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains articles 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 the request is denied 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 physical external marks of their character and may contain only official correspondence and documents or 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 event the provisions of paragraph 5 of this article shall likewise apply except that the immunities therein mentioned shall cease to apply when the 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 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 competent 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 aircraft.

Article XII. 1. Consular premises shall be inviolable to the extent laid down in this article.

2. The authorities of the receiving State shall not enter the part of the consular premises used by the consular post exclusively for the purposes of its work without the consent of the head of the consular post or person designated by him or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be presumed in case of fire or other disaster requiring prompt protective action.

3. Subject to the provisions of paragraph 2 of this article, the receiving State shall have a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for the purposes of national defence or public utility. Should expropriation be necessary for those purposes, all appropriate arrangements shall be made to avoid impeding the performance of consular

functions, and prompt, adequate and effective compensation shall be paid to the sending State.

Article XIII. The sending State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as requisitioning, military contributions and billeting.

Article XIV. 1. Consuls, consular agents 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:

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

Article XV. 1. Career consuls shall not be placed under arrest or in detention pending trial except in the case of an offence for which the maximum penalty under the law of the receiving State is deprivation of liberty for 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, consuls shall not be committed to prison or be subjected to any other form of restriction on their personal freedom save in execution of a final judicial decision.

3. If criminal proceedings are instituted against a consul, 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 consul, 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 member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

Article XVI. Consuls and consular agents and employees may not be compelled to testify in the courts of the receiving State concerning acts relating to their consular functions or to produce documents from the consular archives or other consular documents.

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

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

Article XVII. 1. Consuls 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 with regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this article shall not, however, apply to a 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 such employee.

3. Members of consular posts, if they are nationals of the sending State, shall, with respect to services rendered to the sending State, be exempt from any obligations with regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of aliens.

4. Members of the private staff of consuls and consular employees shall, if they are nationals of the sending State and carry out no other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 3 of this article.

Article XVIII. 1. Career consuls 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) duties or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of article VIII, paragraph 3;
- (c) estate, succession or inheritance duties and duties on transfers levied by the receiving State, subject to the provisions of paragraph (b) of article 51 of the Vienna Convention on Consular Relations of 24 April 1963¹.
- (d) duties and taxes on personal income, including capital gains, having its source in the receiving State and capital taxes on investments in commercial or financial enterprises situated in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, and mortgage and stamp duties, subject to the provisions of article 8, paragraph 3.

2. Subject to such laws and regulations as the receiving State may adopt, the career consuls and consular employees referred to in paragraph 1 shall also be exempt from taxes incident to the ownership or use of vehicles, pleasure craft, aircraft and radio or television receivers, with the exception of charges for services rendered.

3. Members of the service staff who are not nationals of the sending State shall be exempt from duties and taxes on the wages which they receive for their services.

Article XIX. 1. In accordance with such laws and regulations as the receiving State may adopt, and with the exception of charges for storage, transport and similar services, career consuls and consular employees shall be exempt from customs duties and import tax on furniture for personal or family use imported at the time of their first installation in the receiving State. Surface motor vehicles imported by them for personal or family use shall be admitted free of import duties and charges on a temporary basis for the period during which they exercise their functions.

2. Surface motor vehicles, vessels and aircraft belonging to the sending State and used by its consular posts, consuls and consular employees, and motor vehicles, vessels and aircraft belonging to them shall be insured against third-party risks to the extent required by the laws of the receiving State.

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

¹ United Nations, *Treaty Series*, vol. 596, p. 261

- (a) articles for the official use of the consular post administered by a career consul;
- (b) articles for the personal use of career consuls or members of their families forming part of their households, including articles intended for their establishment. Articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Personal baggage of career consuls and members of their families forming part of their households shall be exempt from customs inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in paragraph 1 (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 career consul or the member of his family concerned.

Article XXI. 1. In their capacity as official agents of the sending State, consuls shall be entitled to special protection by all officials of the receiving State with whom they maintain official relations and to special consideration from them.

2. Subject to its laws and regulations concerning zones access to which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory for members of the consular post.

Part IV. GENERAL FUNCTIONS

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

They shall, in particular, have the right:

- (a) to interview, communicate with and advise nationals of the sending State;
- (b) to inquire into any incident which has affected the interests of those nationals;
- (c) to assist those nationals in their relations with the authorities of the sending State and to help them in court proceedings and, where necessary, to procure legal assistance to that end.

For that purpose, they shall be entitled to approach the competent authorities of their consular district and, in the absence of any diplomatic representative of the sending State, the central authorities of the receiving State through the Ministry of Foreign Affairs.

Nationals of the sending State shall have the right at all times to communicate with the competent consuls and, unless in detention, to visit their consular hosts.

Article XXIII. 1. Unless the person concerned objects, consuls shall be informed by the competent authorities of the receiving State of the identity of any national of the sending State detained in their consular districts.

Subject to the same condition, the consular post of the sending State shall be informed by the authorities of the receiving State of any measures involving deprivation of liberty taken with respect to one of its nationals and of the grounds for such measure within a period of from one to six days from the date on which such 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 at the time of his arrest, detention or deprivation of liberty.

2. Consuls or their delegates may, unless he expressly refuses, visit a national of the sending State who is imprisoned, in detention pending trial or subjected to any other

form of detention and converse and correspond with him; the right to visit and communicate with such national shall be granted to them as promptly as possible. Any such visit must enable the consul or his delegate to converse with the prisoner in accordance with prison regulations, on the understanding that such regulations must permit the full exercise of the right granted under this article.

Article XXIV. Consuls may:

- (a) register nationals of the sending State.
- (b) receive declarations provided for in the nationality laws of the sending State.
- (c) draw up or transcribe certificates of civil status of their nationals and solemnize marriages of their nationals if they are authorized thereto by the legislation of the sending State, unless one of the future spouses has, on the date of the marriage, the nationality of the sending State under the law of the sending State and the nationality of the receiving State under the law of the receiving State.

Consular registration of a birth, death or marriage certificate shall not exempt the persons concerned from any obligation laid down by the laws of the receiving State with regard to the notification of births, deaths and marriages to the authorities of that State. Information concerning the certificates mentioned above shall be exchanged between the States in the manner laid down in the special conventions in force.

- (d) Make arrangements for the registration of nationals of the sending State, issue notices or receive declarations from these nationals or transmit to them various documents or orders issued by the authorities of the sending State when such notices, declarations, orders or documents relate to compulsory national service.
- (e) Issue passports and travel documents to nationals of the sending State or, provided that the receiving State is notified, withdraw such documents, and grant visas and other appropriate documents to persons seeking admission to the sending State.
- (f) Arrange, in accordance with the laws of the sending State, guardianship or trusteeship for those of their nationals lacking legal capacity.
- (g) Transmit judicial and extra-judicial instruments and execute letters rogatory at the request of the courts of the sending State with regard to persons for whom they provide consular representation.
- (h) Draw up or receive notarized documents, receive declarations, legalize or certify signatures, certify or receive documents, and administer oaths or declarations by proxy where these services are required by a person of any nationality for use in the sending State.

Consuls may also draw up or issue documents when these are requested by a national of the sending State for use in a country other than that State.

The receiving State shall accept the signatures placed by consuls on documents issued by them, or certified by them to be true copies of the originals issued by the competent authority, without legalization if such documents bear their official seal and if their substantive formulation is such as to demonstrate their authenticity.

Article XXV. Consuls may accept for safekeeping sums of money, documents and articles of any kind deposited with them by or on behalf of nationals of the sending State.

Items so deposited shall not be subject to the immunity provided for in article 10 and shall be kept separate from the archives, documents and registers to which the provisions of that article may apply.

Article XXVI. Consuls may protect the commercial and cultural interests of the sending State.

Part V. INHERITANCE AND ESTATES

Article XXVII. 1. In the case of the death of a national of one of the Contracting States in the territory of the other, the competent local authority shall immediately notify the consul in whose district the death occurred. If the consul learns of the death first, he shall similarly notify the local authority.

2. (a) If, among the heirs of the deceased, some are absent, minors or legally incapacitated or if the executors of the will appointed by the deceased are not in the place where the succession opens, seals shall be placed within 24 hours of the notification on all the immovable property and papers of the deceased.

(b) The seals shall be placed either *ex officio* or at the request of the parties concerned by the consul in the presence of the local authority, which shall have been notified by him. That authority may superimpose its seals on the seals of the consul. The double seals may be removed only by mutual agreement, unless the local authority, having been notified in writing with acknowledgement of receipt, has failed to attend at the time indicated.

3. When the seals are removed, the consul shall draw up an inventory in the presence of the local authority if, following the invitation addressed to it, the latter has felt compelled to be present during this operation.

Article XXVIII. When a deceased person leaves an estate in the receiving State and a national of the sending State who is neither resident in the receiving State nor represented there by an appointed attorney holds a right of succession to all or part of the estate, the consul within whose district the succession opens or his delegate shall have the right to represent such national with regard to his interest in the estate as if an express power of attorney had been executed in his favour by such national. If subsequently the national decided to defend his interests in the territory himself or to be expressly represented there by another person, the presumed power of attorney in favour of the consul shall cease to have effect.

Article XXIX. In exercising the rights referred to in article 31 in this part, a consul shall be subject to local legislation and to the jurisdiction of the local courts in the same manner as a national of the receiving State. He shall therefore be required to testify not in his personal capacity but in his official capacity as the representative of the nationals concerned.

Article XXX. A consul may receive from a court, for transmission to a national of the sending State who is not resident in the territory, funds or property to which such national is entitled as a consequence of the death of any person. Such funds or property may include shares in an estate, payments made pursuant to laws on occupational accidents or any similar laws, and the proceeds of life insurance policies.

Such funds or property may be paid, handed over or transferred to a consul only to the extent that or subject to the conditions under which the handing over or transfer to the persons whom the consul represents or on whose behalf he receives the funds or property is permissible under the laws of the receiving State.

Part VI. SHIPPING

Article XXXI. When a vessel of the sending State is in port in the receiving State, the master and members of the crew of the vessel shall be authorized to communicate with the consul in whose district the port is situated and the consul may, freely, perform the functions enumerated in the following article.

For the purpose of performing those functions, the consul, accompanied, if he so wishes, by one or more members of his staff, may board the vessel after it has received *pratique*.

For these same purposes the master and any member of the crew may visit the consular post in the consular district within which the vessel lies, unless the authorities of the receiving State object on the ground that it would be physically impossible for the persons concerned to rejoin the vessel before its departure. If they make such an objection, the authorities of the receiving State shall immediately bring it to the knowledge of the competent consul.

The consul may request the assistance of the authorities of the receiving State in any matter pertaining to the performance of his functions, and these authorities shall give the assistance so requested unless they have valid reasons for refusing it in a particular case.

Article XXXII. Consuls may question the master and members of the crew, examine the vessel's papers, take statements with regard to its route and destination and generally facilitate its arrival and departure.

Consuls or their delegates may appear with the master or members of the crew before the local authorities or courts and may assist them (including, where necessary, procuring legal assistance for them).

Consuls may, provided that the judicial authorities of the receiving State do not take jurisdiction in accordance with the provisions of the second paragraph of the following article, settle disputes between the master and members of the crew, including disputes as to wages and contracts of service, deal with the engagement and discharge of the master and members of the crew, and take measures for the preservation of order and discipline on the vessel.

Consuls may take measures for the enforcement of the shipping laws of the sending State.

Consuls may, if necessary, make arrangements for the repatriation or admission to hospital of the master or members of the crew of the vessel.

Article XXXIII. Save the request or with the consent of the head of the consular post or, if he is unable to make such request or give his consent, at the request or with the consent of the master, the authorities of the receiving State shall not intervene in any matter relating to the internal management of the vessel.

Save at the request or with the consent of the consul or the master, the authorities of the receiving State shall not:

1. intervene in any matter arising on board the vessel except to maintain peace and order or in the interests of health or public safety;
2. institute proceedings in respect of offences committed on board the vessel unless such offences:
 - (a) have affected the tranquillity or safety of the port or infringed local laws regarding public health, safety or human life at sea, customs and other inspection measures;
 - (b) have been committed by or against persons other than members of the crew or nationals of the receiving State; or
 - (c) are punishable by a least five years' imprisonment in the territory of either Contracting Party.

If, for the purpose of exercising the rights referred to in the second paragraph of this article, the authorities of the receiving State intend to arrest or question any person on board the vessel, to seize property or to institute a formal enquiry on board the vessel, they shall notify the competent consul or consular agent in good time so that he may be present at the inspections, investigations or arrests which they intend to carry out. The notice issued to that effect shall specify a time, and, if the consul or consular agent fails to be present or to be represented, the authorities shall proceed without him. A similar

procedure shall be followed when masters or members of the crew are required to make statements before local courts or administrative bodies. The provisions of this paragraph shall not apply to routine investigations by the authorities of the receiving State with regard to customs, health or the admission of aliens, or to seizure of the vessel or part of its cargo on account of civil or commercial proceedings in the local courts.

Article XXXIV. Consuls may inspect, at ports within their consular districts, vessels which are en route to the sending State in order to enable them to procure the information necessary to prepare and execute such documents as may be required by the laws of the sending State as a condition of entry of a vessel into its ports and to furnish to the competent authorities of the sending State such information with regard to health status or other matters as they may require. In exercising the rights conferred upon them by this article, consuls shall act with all possible dispatch.

Article XXXV. If a vessel of the sending State is wrecked or runs aground on the coast of the receiving State, the shipwreck or grounding shall be reported to the consular post in whose district it has occurred as soon as possible by the competent authorities of the receiving State.

The latter shall take all necessary measures to rescue the vessel and persons, cargo and other property on board, and to prevent or punish looting of or disorder on the vessel. These measures shall also extend to articles forming part of the vessel or its cargo which are found separated from the vessel.

If the vessel is wrecked or runs aground in a port or constitutes a navigational hazard within the territorial waters of the receiving State, the competent authorities may also arrange to have any necessary measures taken to prevent any damage that might be caused by the vessel to port installations or other vessels.

In accordance with the legislation of the receiving State, the head of the consular post shall be authorized to make, as agent of the owner, the arrangements which the latter could have made, if he had been present, for the disposal of the vessel. This provision shall apply unless the master has been given special powers by the owner to that effect or unless all persons having a proprietary interest in the vessel and its cargo, the owners, underwriters or their local representatives holding the necessary powers to represent all interests without exception, pay the costs already incurred and give security for costs which remain 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 articles carried by or forming part of the wrecked or grounded vessel unless they are unloaded for use or consumption in the territory. The authorities of the receiving State may, however, if they see fit, request security in order to protect the interest of the revenue authorities in relation to such articles.

No duties or charges other than those referred to in the foregoing paragraph shall be levied by the authorities of the receiving State in connexion with the wrecked or grounded vessel or its cargo other than duties and charges of the same kind and amount as would be levied in similar circumstances under the regulations applied by the receiving State to its own vessels.

Article XXXVI. Where a vessel of a registry other than that of the receiving State is wrecked and articles 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 preservation 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) the owner of the articles, his agent, the underwriter or, where the law of the flag State permits, the master of the vessel are in a position to make those arrangements.

Article XXXVII. A consul may make arrangements for the adjustment of marine averages in respect of damage suffered at sea by a vessel of the sending State or its cargo if the vessel arrives at a port within his consular district, provided that no national of the receiving State has a direct financial interest in the said vessel or cargo and no special agreement on the matter exists between the owners of the cargo and the vessel and the insurers.

Should any national of the receiving State have a direct financial interest in the adjustment of average, a consul may appoint experts on the adjustment of marine averages and, provided that all the interested parties agree, may arrange a settlement on the basis of their adjustment. In the absence of such agreement, the local authorities shall have competence.

Article XXXVIII. If the master or a member of the crew of a vessel of the receiving State, being a national of the sending State, dies while at sea or ashore in any country, the competent department of the receiving State shall furnish promptly to the competent consul copies of any accounts received by it with respect to the pay and the effects of the deceased master or seaman, together with any information likely to facilitate the tracing of persons legally entitled to inherit from the deceased.

In any case where the value of the property of the deceased master or member of the crew does not exceed 1,000 francs (50,000 CFA francs) and the competent department is satisfied that a person resident in the sending State is entitled to inherit from the deceased other than as a creditor, the competent department shall hand over forthwith to the competent consul the pay, effects and property in its custody of the deceased master or member of the crew. It shall, however, have the right, before handing them over, to deduct from the master's or seaman's assets any sums required to meet claims against his estate which it considers to be valid. Any claim against the estate of the deceased master or member of the crew shall be submitted to the competent department of the sending State. In the case of the Government of the French Republic, the competent department shall be the Ministry of Merchant Shipping. In the case of the Government of the Republic of Senegal, the competent department shall be the Ministry of Transport.

When the value of the estate of the master or member of the crew does not exceed the amount laid down in the preceding paragraph and the competent department can deliver the assets to a person entitled to succeed to the property of the deceased, it shall, before such delivery, notify the competent consul of its intention, naming the person to whom it proposes to deliver them so that the consul may have the opportunity to furnish information which may facilitate the taking of the final decision.

The provisions of the second and third paragraphs of this article shall not apply when the competent department delivers the assets to a person who has obtained an authorization from a court in the receiving State, but in this case it shall promptly inform the consul accordingly.

Article XXXIX. Consuls may receive or draw up any declaration or other document prescribed by the law of the sending State:

- (a) registration of a vessel in the sending State or cancellation of its registration;
- (b) any change in ownership of a vessel of that State;
- (c) any registration of a mortgage or other encumbrance on a vessel of that State.

Part VII. FINAL PROVISIONS

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

the receiving State, provided that they are so permitted by the laws and regulations of the sending State.

Documents drawn up in the exercise of consular functions may give rise to the fees and charges provided for in the legislation of the sending State for such documents.

Article XLI. 1. Unless additional facilities, privileges and immunities have been granted by the receiving State, consuls who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided for in the first paragraph of article 16. So far as these consuls are concerned, the receiving State shall likewise be bound by the obligation laid down in paragraph 4 of article 15. If criminal proceedings are instituted against such a consul, the proceedings shall, unless he is under arrest or in detention, be so conducted as to hamper the exercise of consular functions as little as possible.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State, members of their families and members of the families of the consuls referred to in paragraph 1 of this article shall enjoy facilities, privileges and immunities only to the extent that these are granted to them by the receiving State. Members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities to the extent that these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to unduly hinder the exercise of the functions of the consular post.

Article XLII. Any dispute between the two States concerning the application or interpretation of this Convention which is not settled through the diplomatic channel shall be settled in accordance with procedures to be determined in each case by agreement between the Parties.

Article XLIII. The provisions of the Vienna Convention on Consular Relations of 24 April 1963 shall govern any questions not expressly regulated by the provisions of this Convention.

Article XLIV. This Convention replaces and supersedes the Consular Convention signed at Paris on 16 February 1963 between the Government of the French Republic and the Government of the Republic of Senegal.

It is concluded for a period of two years and may be renewed by tacit agreement unless it is denounced by one of the Contracting Parties.

Notice of denunciation shall be given through the diplomatic channel at least six months in advance.

This Convention shall enter into force on the first day of the second month following the exchange of instruments of approval, which shall take place at Paris as soon as possible.

DONE at Paris on 29 March 1974.

For the Government
of the French Republic:

The Minister
for Foreign Affairs,

[Signed]

JEAN DE LIPKOWSKI

For the Government
of the Republic of Senegal:

The Minister
for Foreign Affairs,

[Signed]

ASSANE SECK