

No. 16335

**FRANCE
and
MADAGASCAR**

**Consular Convention. Signed at Antananarivo on 25 April
1963**

Authentic text: French.

Registered by France on 31 January 1978.

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et
MADAGASCAR**

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Enregistrée par la France le 31 janvier 1978.

[TRANSLATION — TRADUCTION]

FRENCH-MALAGASY CONSULAR CONVENTION¹

The Government of the French Republic and the Government of the Malagasy Republic

Have decided to conclude a Consular Convention and have agreed on the following provisions:

PART I. APPLICATION AND DEFINITIONS

Article 1. This Convention shall apply to the respective territories of the French Republic and the Malagasy Republic.

Article 2. For the purposes of this Convention:

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

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

3. “National” means:

- (a) with respect to the French Republic, all French nationals, including, where the context permits, juridical entities which are duly constituted under the laws of the French Republic and have their head offices in its territory;
- (b) with respect to the Malagasy Republic, all Malagasy nationals, including, where the context permits, juridical entities which are duly constituted under the law of the Malagasy Republic and have their head offices in its territory.

With the prior consent of the receiving State, the treatment accorded to the nationals of the sending State may be extended to all individuals on whose behalf that State provides consular representation.

4. “Head of consular post” means the person who directs a consulate.

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

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

¹ Came into force on 27 July 1965 by the exchange of the instruments of approval, which took place at Antananarivo, in accordance with article 42.

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

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

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

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

10. “Port” means any place where a vessel may put in.

11. In part VI of this convention, “vessel” of one of the States means any vessel registered in the manner specified in the legislation of one of the territories of that State to which the Convention applies. However, in other parts of this Convention, “vessel” means any vessel or ship, whether registered or not, with the exception of warships.

PART II. CONSULAR DISTRICTS AND ADMISSION OF CONSULS

Article 3. Each State shall be entitled to establish consulates-general, consulates, vice-consulates and consular agencies, in addition to the consular posts in existence on the date of entry into force of this Convention, in the territory of the other State with the latter’s consent.

The sending State shall inform the receiving State of the district covered by each of its consular posts, the boundaries of which it shall be free to determine.

Article 4. Consuls who are heads of consular posts shall be admitted and recognized by the Government of the receiving State in the manner prescribed by the rules and formalities of that State on presentation of their consular commission. The exequatur in which their district is indicated shall be delivered to them without delay and free of charge.

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

The exequatur may not be withheld or withdrawn without serious cause, which must be specified, on request, through the diplomatic channel.

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 not be requested without serious cause.

Article 5. Consuls or consular employees may exercise temporarily, as acting head of post, the functions of a consul, head of a consular post, who has died or is unable to carry out his functions because of illness or absence or for any other reason. Acting heads of consular posts may, upon notification to the local authorities, exercise their functions and have the benefit of the provisions of this Convention until such time as the head of the post resumes his functions or a new consul is appointed.

Article 6. Career consuls who are heads of consular posts may appoint consular agents in the cities and localities of their consular district, subject to approval by the Government of the receiving State.

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

Article 7. Consuls who are heads of post shall notify the authorities of the receiving State of the names and addresses of their consular employees in the manner specified in the regulations of the receiving State.

PART III. IMMUNITIES AND PRIVILEGES

Article 8. The sending State may, in accordance with the laws and regulations of the receiving State, acquire and own in the territory of the receiving State such buildings as may be necessary for the establishment of a consular post or for the residence of a consul, consular agent or consular employee, or for any other purposes related to the functioning of the post.

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

Such buildings or premises shall be exempt from the dues and taxes levied on such buildings or on income accruing from their ownership in the receiving State. The acquisition of such buildings, whether against payment or free of charge, shall be exempt from any charges levied by the receiving State. The aforesaid exemptions shall not apply to charges representing payment for services rendered or for local public improvements.

Article 9. No taxes or similar charges shall be collected from the sending State in the territory of the receiving State by reason of the occupation of buildings or premises used exclusively for the purposes specified in the first paragraph of article 8, with the exception of charges representing payment for services rendered or for local public improvements.

Article 10. Consuls who are heads of consular posts and consular agents may display on the exterior of the consular building the coat of arms of the sending State with an appropriate inscription in the national language of that State to designate the consulate or consular agency.

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

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

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

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

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

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

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

Article 12. Consular premises shall be inviolable. Agents of the receiving State may not enter such premises without the consent of the head of the consular post. This inviolability shall not extend to the personal living quarters of consuls, consular agents or consular employees, to the grounds of the consulate or to premises not used for the administrative business of the Consulate. Nevertheless, the aforesaid premises may be entered only pursuant to a warrant or a judicial decision and with the authorization of the Minister for Foreign Affairs of the receiving State.

Article 13. Consuls and consular agents and employees who are nationals of the sending State shall be exempt from requisitions in respect of personal services and property.

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

Article 14. In accordance with the rules of international law, consuls and consular agents and employees, regardless of their nationality, shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of their functions.

Article 15. Career consuls shall be granted personal immunity from arrest, except in cases of *flagrante delicto*; they shall not be liable to detention pending trial unless they are charged with a legal offence punishable under the laws of the receiving State by at least four years' imprisonment.

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

Article 16. Consuls and consular agents and employees may not be constrained to testify in the courts of the receiving State in connexion with acts relating to their consular functions or to produce documents from the consular archives or other consular documents.

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

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

Article 17. Career consuls and their spouses and minor children forming part of their household shall not be required to comply with those provisions of the legislation of the receiving State which concern residence permits and the registration and supervision of aliens. They shall not be liable to expulsion.

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

Article 18. The tax and customs privileges provided for in articles 19 and 21 of this Convention shall be granted to the consuls and consular agents and employees of the sending State, provided that the principle of reciprocity is duly applied.

Article 19. Career consuls and consular employees serving under career consuls who are nationals of the sending State shall be exempt from direct contributions and personal taxes levied in the territory in which they are residing.

The aforesaid exemption shall not apply to:

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

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

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

Article 20. Consuls and consular agents and employees who are nationals of the sending State shall be exempt from customs duties and other import taxes on furniture for personal or family use imported at the time of first installation in the receiving State.

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

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

Article 21. Coats of arms, flags, national emblems, seals, books, official archives and documents, office supplies and furniture, such as metal cabinets, strong-boxes, typewriters and calculating machines, radio and television receivers and similar articles, sent by the two States to their respective consular posts for official use shall be exempt from all import duties and charges.

Article 22. In their capacity as official agents of the sending State, consuls shall be entitled to special protection and respect by all officials of the receiving State with whom they maintain official relations.

PART IV. GENERAL FUNCTIONS OF CONSULS

Article 23. In accordance with internationally recognized principles and customs, consuls and consular agents shall protect and defend all the rights and interests of nationals of the sending State. In particular, they shall have the right:

- (a) to speak and communicate with and advise nationals of the sending State;
- (b) to inquire into any incident that affects the interests of nationals of that State;
- (c) to assist nationals of that State in their dealings with the authorities of the territory and in court proceedings and, where necessary, to arrange for them to be assisted by a lawyer.

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

Nationals of the sending State shall have the right at any time to communicate with the competent consuls and, except when they are in detention, to visit their consular post.

Article 24. Consuls and consular agents shall, on application to the competent authorities of the territory, be given the names of nationals of the sending State who are being detained in their consular district, provided that the nationals concerned do not oppose the emission of such information.

The competent authorities shall immediately inform a consul of the arrest or detention in his consular district of all nationals of the sending State who request them to do so. The consul shall have the right to visit such nationals, conforming to the regulations of the place of detention, and to converse with them with a view to taking all necessary steps for their legal defence.

All communications addressed to a consul by such nationals shall be forwarded to him by the competent authorities.

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

Article 25. Consuls may:

- (a) keep a register of nationals of the sending State;
- (b) receive any declaration envisaged by the nationality laws of the sending State;

- (c) draw up and record certificates of civil status relating to their nationals, and perform weddings between their nationals when empowered to do so under the law of the sending State, except when, on the date of the wedding, one of the prospective spouses is considered to be a national of the sending State under the law of the sending State and a national of the receiving State under the law of the receiving State.

The fact that consuls have received a certificate of birth, death or marriage shall not exempt the individuals concerned from any obligation laid down by the law of the territory concerning the notification of births, deaths and marriages to the authorities of the territory. The exchange of information between the States relating to the various certificates referred to above shall be carried out in accordance with arrangements to be specified in a separate convention;

- (d) register nationals of the sending State, issue notices intended for such nationals or receive their declarations or transmit to them miscellaneous orders or documents issued by the authorities of the sending country when such notifications, declarations, miscellaneous orders or documents relate to mandatory national service;
- (e) issue passports and laissez-passer to nationals of the sending State or, provided they so inform the receiving country, withdraw such documents, and issue visas and other appropriate documents to individuals wishing to enter the sending State;
- (f) in accordance with the laws of the sending State, arrange for guardianship or trusteeship for a national of the sending State who lacks full capacity;
- (g) transmit judicial and extra-judicial instruments, and execute letters rogatory at the request of the courts of the sending State in respect of individuals on whose behalf they serve as consular representatives;
- (h) draw up or receive documents drawn up by notaries, receive declarations, authenticate or certify signatures, certify or receive documents, witness the swearing of oaths or receive declarations in lieu of such oaths when requested to perform such acts by an individual of any nationality for use in the sending State.

Consuls may also draw up or issue certificates for use in any other country when requested by a national of the sending State, but the receiving State shall be under no obligation to recognize the validity of certificates drawn up by consuls.

The receiving State shall accept without authentication the signatures affixed by consuls on the documents which they issue or which they certify to be authentic copies of an original issued by a competent authority, when such documents bear their official seal and are drawn up in a way indicating authenticity.

Article 26. Consuls may receive for safe keeping money, documents and articles of any kind deposited by or for the account of nationals of the sending State.

Such deposits shall not benefit by the immunity provided for in article 11 and must be held separate from the archives, documents and registers to which the provisions of that article may apply.

Article 27. Consuls may protect the commercial and cultural interests of the sending State.

PART V. ESTATES

Article 28. In the case of the death of a national of one of the contracting States in the territory of the other State, the competent local authority shall immediately inform the consul in whose district the death occurred. If the consul learns of the death first, he shall inform the local authority of it.

Consuls shall be informed by the local authorities of, *inter alia*:

- (a) all estates in which it appears that they may have the right to represent interests in accordance with the articles of this part;
- (b) the death of nationals of the sending State, whenever it appears that no person other than a public administrator or similar authority empowered to assume the administration of property left by the deceased person in the territory is present or represented in that territory.

If any of the heirs of the deceased should be absent, under age or incompetent, or if the executors of the will named by the deceased are not present in the place where the succession opens, within 24 hours of the notification, all the immovable property and papers of the deceased shall be placed under seal.

The seals shall be affixed by the consul acting either on his own motion or at the request of the parties concerned, in the presence of the local authority which shall be informed in advance by him. The authority may affix its own seals to those of the consul and, in such cases, the double seals may be removed only by mutual agreement. However, if, after notice has been given to the local authority by the consul inviting it to attend the removal of the seals, the authority fails to appear at the appointed time, the seals may be removed in its absence. Such notices and the invitation shall be given in writing and a receipt shall be given as proof of delivery.

Upon removal of the seals, the consul shall make an inventory in the presence of the local authority whenever, following receipt of an invitation addressed to it, that authority deems it necessary to be present.

Article 29. Where a deceased person leaves an estate in the receiving State and a right to all or part of the estate is held or claimed by a national of the sending State who is neither resident in the receiving State nor represented there by an appointed attorney, the consul within whose district the succession opens or his representative shall have the right to represent such national as regards his interests in the estate as if an express power of attorney had been executed in his favour by the national. If subsequently the national comes to defend his own interests in the territory or becomes expressly represented there by another person, the presumed power of attorney in favour of the consul shall cease to have effect.

Article 30. Consuls may receive from a court for the purposes of transmitting them to a national of the sending State who is not resident in the territory money or property to which the national is entitled as a result of the death of any individual. Such money or property may include, *inter alia*, shares of an inheritance, payments made under the laws on industrial accidents or any similar law, and payments under a life insurance policy.

Such money and property may be paid, handed over or transferred to consuls only in so far as, and in conditions in which, the payment, handing over or transfer to the persons represented by consuls or on whose behalf they receive the money or property, is authorized under the law of the receiving State.

PART VI. SHIPPING

Article 31. When a vessel of the sending State calls at a port of the receiving State, the master and the members of the crew of the vessel shall be permitted to communicate with the consul in whose district the port is situated and the consul shall be empowered freely to perform the duties enumerated in article 32 without interference on the part of the authorities of the territory. For the purpose of performing any of these duties, the consul, accompanied, if he so wishes, by one or more members of his 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, provided that the authorities of the territory do not 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. If the authorities of the territory have such an objection, they shall immediately inform the competent consul.

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

Article 32. Consuls may 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.

Consuls or their representatives may appear with the master or members of the crew before the local authorities or courts and lend their assistance (and, where necessary, arrange for legal aid).

Provided that the judicial authorities of the territory do not take jurisdiction in accordance with the second paragraph of article 33 of this Convention, consuls may decide disputes between the master and members of the crew, including disputes regarding wages and the fulfilment of contracts of service, settle matters relating to the engagement or discharge of the ship's master and members of the crew and take action to ensure the maintenance of order and discipline on the vessel.

Consuls may take action to ensure the enforcement of the shipping laws of the sending State.

Where necessary, consuls may make arrangements for the repatriation or treatment in a hospital of the master or members of the crew of the vessel.

Article 33. Save at the request or with the consent of the consul, the administrative authorities of the territory shall not concern themselves with any matter relating to the internal management of the vessel. The administrative and judicial authorities shall not intervene in any matter involving the detention on board of any seaman for a violation of disciplinary regulations, if the detention is provided for in the laws of the sending State and is not accompanied by any measure of inhuman or unjustifiable severity.

In accordance with international usage, the administrative and judicial authorities of the territory shall not, save at the request or with the consent of the consul:

- (1) 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;
- (2) institute prosecutions in respect of offences committed on board the vessel unless such offences:
 - (a) involve the tranquility 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 in the territory of one of the contracting parties.

If, for the purpose of the exercise of the rights referred to in the second paragraph of this article, the authorities of the territory intend to arrest or question any person or to seize any property or to institute any formal inquiry on board the vessel, they must notify the competent consul or consular officer 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 consul or 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. The provisions of this paragraph shall not apply to routine examinations by the authorities of the territory with regard to customs, health, or the admission of aliens, 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 territory.

Article 34. Consuls shall have the right to inspect in ports within their district vessels of any registry which are travelling to the sending State in order to obtain the information necessary for the drawing up and issue of documents which may be required by the laws of the sending State for entry into its ports, and to provide the competent authorities of the sending State with such information as they may request regarding health conditions or other matters.

Consuls shall exercise the rights conferred on them under this article with all due dispatch.

Article 35. If a vessel of the sending State is wrecked or stranded in the receiving State, the consul in whose district the shipwreck or stranding occurs shall be informed as soon as possible by the competent authorities of the territory.

The competent authorities of the territory 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. Such measures shall extend to parts of the vessel or cargo which may have been separated from 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 of the territory 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 if such measures were not taken.

Subject to compliance with the laws of the territory, the consul shall 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 customs or other duties on the import of goods into the territory shall be levied by the authorities of the territory 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. However, if the authorities of the territory deem it advisable, they may require guarantees to protect the interests of the customs authorities with respect to such articles.

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

Article 36. Where articles forming part of a wrecked or stranded vessel of any registry (other than that of the receiving State) or of its cargo are found on or near the coast of the receiving State or are brought into a port of that State, the consul in whose district such articles are found or brought into port shall be authorized to make, as agent of the owner of the articles, the arrangements relating to the custody and disposal of the articles which the owner himself could have made, 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 country of registry permits, the master of the vessel are in a position to make those arrangements.

Article 37. Consuls may adjust the average in respect of losses incurred at sea by vessels of the sending State or their cargo when they enter a port within their district, provided that no national of the receiving State is among the parties concerned and provided there is no special agreement governing the matter between the owners, shipowners and underwriters.

When nationals of the receiving State are affected by the losses, the consul may appoint experts to adjust the average if all interested parties agree. In the absence of such agreement, the local authorities shall have jurisdiction.

Article 38. If the master or a member of the crew of a vessel of the receiving State who is a national of the sending State dies at sea or on land in any country, the competent authorities of the receiving State shall immediately transmit to the competent consul a copy of the accounts received regarding the wages and effects of the deceased master or seaman, and any other information that may facilitate the search for the legal heirs to the estate of the deceased person.

When the value of the estate of the deceased master or seaman is less than 1,000 francs and when the competent authorities have been assured that a person residing in the sending State is legally entitled to the estate of the deceased other than in the capacity of a creditor, the authorities shall immediately transfer to the competent consul the wages, effects and property of the deceased master or seaman which are in its possession. However, before making the transfer, the authorities shall have the right to deduct from the assets of the estate of the deceased master or seaman such amounts as are necessary to cover claims on the estate when they deem such claims to be legitimate. Any claim on the estate of the deceased master or seaman received by the authorities after the transfer has been made shall be submitted to the competent authorities of the sending State. As regards the Government of the French Republic, the competent authority shall be the Ministry of the Merchant Marine. As regards the Government of the Malagasy Republic, the competent authority shall be the Ministry of Transport.

When the value of the estate of the master or seaman is less than the amount stipulated in the preceding paragraph and the competent authorities are able to transfer the assets to an individual legally entitled to the deceased's estate, they shall before so doing notify the competent consul of their intention to do so, naming the individual to whom they intend to transfer the assets so as to give the consul an opportunity to provide any information which might facilitate a final decision.

The provisions of the second and third paragraphs of this article shall not apply when the competent authorities transfer the assets to an individual who has obtained authorization from a court of the receiving State; however, in such a case, they shall inform the consul of such action without delay.

Article 39. Consuls may receive or draw up any declaration or other document prescribed under the law of the sending State concerning:

- (a) registration of a vessel in the sending State or its removal from the register;
- (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.

FINAL PROVISIONS

Article 40. 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, where they are authorized to do so by the laws of the sending State.

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

Article 41. Disputes between the two States regarding the application or interpretation of this Convention which have not been settled through the diplomatic channel shall be settled in accordance with procedures adopted in each case by mutual agreement of the parties.

Article 42. This Convention shall enter into force on the date of the exchange of the instruments of approval, which shall take place at Tananarive as soon as possible.

It shall remain in force unless denounced by one of the contracting States with one year's prior notice.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Convention and have affixed their seals thereto.

DONE at Tananarive, on 25 April 1963.

For the Government
of the French Republic:

[MICHEL HABIB-DELONCLE]

Secretary of State for Foreign Affairs

For the Government
of the Malagasy Republic:

[ALBERT SYLLA]

Minister for Foreign Affairs
