

**No. 18952**

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**FRANCE  
and  
ALGERIA**

**Consular Convention. Signed at Paris on 24 May 1974**

*Authentic text: French.*

*Registered by France on 27 June 1980.*

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*Enregistrée par la France le 27 juin 1980.*

## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE GOVERNMENT OF THE  
FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLES  
DEMOCRATIC REPUBLIC OF ALGERIA

The Government of the French Republic and the Government of the People's Democratic Republic of Algeria,

Desiring to develop and strengthen the special ties that exist between France and Algeria,

Convinced of the importance of the material and moral well-being of individuals in relations between the two countries and of the necessity of introducing all possible improvements in that regard,

Anxious to define and improve the conditions for the extension of consular protection to the nationals of each country,

Affirming that the provisions of the Vienna Convention on Consular Relations of 24 April 1963<sup>2</sup> shall continue to apply with respect to questions not expressly governed by the provisions of this Convention,

Have agreed as follows:

## PART I. DEFINITIONS

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

1. "Sending State" means the Contracting Party which appoints the consular officers as defined hereunder;
2. "Receiving State" means the Contracting Party in whose territory the consular officers 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. "Consular post" means any consulate-general, consulate or vice-consulate;
5. "Consular district" means the territory assigned to a consular post for the exercise of consular functions;
6. "Head of consular post" means the person charged with the duty of acting in that capacity;
7. "Consular officer" means any person, including the head of a consular post, entrusted with consular functions in the capacity of consul-general, consul, deputy consul, vice-consul or consular attaché.

A consular officer must have the nationality of the sending State and must not hold that of the receiving State. He must not be a permanent resident of the latter

<sup>1</sup> Came into force on 1 March 1980, i.e., the first day of the second month following the exchange of notifications (effected on 19 January 1980) by which the Parties informed each other of its approval, in accordance with their respective constitutional provisions, in conformity with article 44.

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

State or carry on in its territory any professional activity other than his consular functions.

8. "Head of a separate chancellery" means a consular officer permanently representing the head of a consular post in a part of his district;

9. "Consular employee" means any person employed in the administrative or technical service of a consular post;

10. "Member of the service staff" means any person employed in the domestic service of a consular post;

11. "Members of the consular post" means consular officers, consular employees and members of the service staff;

12. "Member of the private staff" means any person who is employed exclusively in the private service of a member of the consular post;

13. "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 detached chancelleries;

14. "Consular archives" means all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, card indexes and any article of furniture intended for their protection or safe-keeping;

15. "Vessel" of one of the two States means, for the purposes of articles 35, 36, 37, 38 and 39 of this Convention, any vessel registered in conformity with the legislation of that State. However, in other provisions of this Convention, "vessel" means any vessel or craft, whether registered or not.

## PART II. ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

*Article 2.* 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 separate chancellery 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 3.* 1. (a) 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 in force in that State on presentation of their consular commissions.

The exequatur in which their district is specified shall be issued to them forth-with free of charge.

Pending delivery of this exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions and the enjoyment of the benefit of 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 benefit from the treatment specified in the provisions of this Convention;

(b) The 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.

2. The exequatur may not be held or withdrawn without serious cause. The same shall apply in the case of a refusal to admit or a request to recall consular officers who are not heads of posts.

*Article 4.* 1. The Ministry of 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 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 in that capacity;
- (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.

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

*Article 5.* 1. Members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State, consular officers and consular employees may exercise temporarily, as acting heads of posts, 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.

However, the receiving State may make the admission of a consular employee as acting head of post conditional on its consent.

2. 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 consular post is appointed.

3. When a member of the diplomatic staff is appointed acting head of post by the sending State in the circumstances set forth in paragraph 1 of this article, he shall continue to enjoy diplomatic privileges and immunities.

## PART III. IMMUNITIES AND PRIVILEGES

*Article 6.* The sending State shall have the right, 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 consular officer.

The sending State shall have the right to erect on land belonging to it such buildings and outbuildings 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 consular officer of which the sending State or any person acting on behalf of that State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, provided that they do not represent payment for services rendered.

The tax exemption referred to in the previous paragraph of this article shall not apply to such dues 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 behalf of that State.

*Article 7.* 1. The receiving State shall either facilitate, within the framework of its laws and regulations, the purchase in its territory by the sending State of the premises a consular post, or help the sending State to obtain premises in some other way.

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

*Article 8.* 1. The consular premises, their furnishings and the property of the consular post and its means of transport shall not be subject to any form of requisition.

2. These premises shall not be immune from expropriation for purposes of national defence or public utility, in accordance with the laws of the receiving State. If expropriation is necessary for such purposes and if the receiving State is the owner of these premises, prompt, adequate and effective compensation shall be paid to it. Arrangements shall be made by the receiving State to facilitate the re-establishment of the post by the sending State which is the owner or lessee of the premises and in any event to avoid impeding the exercise of consular functions.

*Article 9.* The consular premises and the residence of the head of the consular post shall be inviolable.

The agents of the receiving State shall not be permitted to enter them except with the express consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. Consent may, however, be presumed in case of fire or other disaster requiring prompt protective action.

Subject to the provisions of paragraph 2 of this article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises and, where circumstances so require, the residences of consular officers against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

*Article 10.* Consular officers who are heads of posts may display on the outside wall of the consular building and on their own residence the coat of arms of the sending State bearing an appropriate inscription in the national language of the sending State to designate the consular post.

They may also fly the flag of the sending State on the consular building and on the residence of the head of the consular post.

Heads of consular posts may also, in the exercise of their functions, fly the flag of the sending State on the means of transport reserved for their exclusive use.

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

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

*Article 12.* Subject to the laws and regulations of the receiving State concerning zones entry into which is prohibited or regulated for reasons of national security, the members of the consular post shall, simply upon notification to the competent authority, be authorized to travel freely within the limits of the consular district for the purpose of exercising their functions.

*Article 13.* 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 exercise 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 14.* 1. The consular post may levy in the territory of the receiving State the fees and charges provided for 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 15.* 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 16.* 1. Consular officers shall not be placed under arrest or in detention pending trial except in the case of a crime for which the 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, consular officers 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 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 pending trial, 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 of proceedings being instituted against him, the receiving State shall promptly notify the diplomatic mission or the consular post to which he is attached.

*Article 17.* 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. However, the provisions of paragraph 1 of this article shall not apply in respect of a civil action :

(a) Arising out of a contract concluded by a consular officer 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 18.* 1. Members of a consular post may be called upon to appear as witnesses in judicial and administrative proceedings. Consular employees and members of the service staff shall not decline to appear as witnesses, except in the cases mentioned in paragraph 3 of this article. If a consular officer should decline to do so, no coercive measure or other penalty shall be applied against him.

2. The authority requiring evidence must avoid interfering with the exercise of a consular officer's 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 shall be 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 19.* 1. The sending State may waive, with regard to a member of a consular post, any of the privileges and immunities referred to 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 in accordance with article 17 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 20.* 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 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.

*Article 21.* 1. Members of consular posts shall, with respect to services rendered for 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 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 22.* 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 any social security legislation which may be in force in the receiving State.

2. The exemption referred to 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 that:

- (a) They are not nationals of or permanently resident in the receiving State; and
- (b) They are covered by the social security legislation which is in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption referred to in paragraph 2 of this article does not apply shall observe the obligations which the social security legislation of the receiving State imposes 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 23.* 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 25;
- (d) Dues and taxes on private 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 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 salaries or wages 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 24.* 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, 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 immunities specified in paragraph 1 (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 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 inspections shall be carried out in the presence of the consular officer or member of his family concerned.

*Article 25.* 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 succession or inheritance duties or duties on transfers of 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 a consular post or as a member of the family of a member of the consular post.

*Article 26.* In their capacity as official agents of the sending State, consular officers shall be entitled to appropriate protection by all officials of the receiving State and to special consideration from them.

*Article 27.* Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State, in particular traffic regulations.

They also have the duty not to interfere in the internal affairs of that State.

*Article 28.* Members of a 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 means of transport.

*Article 29.* With the exception of consular officers, the other members of the consular post who are nationals of the receiving State or a third State or permanently resident in the receiving State or who carry on a private gainful activity in that State and members of their families shall not enjoy the facilities, privileges and immunities provided for in this part of the Convention.

Members of the family of a member of a consular post who are themselves nationals of the receiving State or a third State or permanently resident in the receiving State shall also not enjoy the facilities, privileges and immunities provided for in this part of the Convention. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the exercise of the functions of the consular post.

#### PART IV. CONSULAR FUNCTIONS

*Article 30.* Consular officers shall be empowered:

1. To protect in the receiving State the interests of the sending State and the rights and interests of its nationals and to further the development of relations in the

commercial, economic, tourism, social, scientific, cultural and technical fields between the Contracting Parties;

2. To assist nationals of the sending State in their dealings with the authorities of the receiving State;
3. Subject to the practices and procedures in force in the receiving State, to take steps to ensure appropriate representation of nationals of the sending State before the tribunals or other authorities of the receiving State and to obtain provisional measures for the preservation of the rights and interests of nationals of the sending State where, because of absence or for any other reason, they are unable at the proper time to defend their rights and interests;
4. To ascertain by all lawful means, conditions and developments in the commercial, economic, tourist, social, scientific, cultural and technical life of the receiving State, report thereon to the Government of the sending State and give information to interested persons.

*Article 31.* In the exercise of their functions, consular officers may address:

- (a) The competent local authorities of their consular districts;
- (b) The competent central authorities of the receiving State, to the extent that this is allowed by the laws, regulations and usages of the receiving State or by international agreements on the subject.

*Article 32.* Consular offices shall have the right in their consular districts:

1. To register and, to the extent permitted by the legislation of the receiving State to take a census of their nationals; for this purpose they may request the assistance of the competent authorities of the receiving State;
2. To publish notices in the press for the attention of their nationals or to transmit to them various orders and documents issued by the authorities of the sending State, when such notices, orders or documents relate to national service;
3. To issue, renew or modify:
  - (a) Passports or other travel documents to 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 to their own nationals or, in civil and commercial areas, to execute letters rogatory relating to hearings of their nationals in accordance with the agreements in force in those areas between the two States or, in the absence of such agreements, in any other manner compatible with the laws and regulations in force.
5. (a) To translate and legalize any document issued by the authorities or officers of the sending State or of the receiving State, provided that the laws and regulations of the latter so permit. These translations shall have the same force and validity as if they had been made by sworn translators of either of the two States;
  - (b) To receive declarations, draw up documents, legalize and certify signatures and to stamp, certify or translate documents where such instruments or procedures are required by the laws and regulations of the sending State;
6. To receive in notarized form, provided that the laws and regulations of the receiving State so permit:

- (a) Documents 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 in immovable property situated in the receiving State;
  - (b) Documents and contracts which relate to property situated in or business to be transacted in the territory of the sending State or which are intended to have legal effect in that territory, whatever the nationality of the parties involved;
7. Provided that there is nothing contrary thereto in the laws of the receiving State, to accept for safekeeping sums of money, documents and articles of any kind delivered to them by or on behalf of nationals of the sending State. Such articles 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 both the prospective spouses are nationals of the sending State; the competent authorities of the receiving State shall be informed thereof if the law of that State so requires;
- (c) To record or register on the basis of a judicial decision that is enforceable under the legislation of the sending State any instrument dissolving a marriage contracted before them;
9. To arrange, to the extent permitted by the relevant laws of each State, guardianship or trusteeship for those of their nationals lacking legal capacity,

The provisions of paragraphs 8 and 9 of this article shall not exempt nationals of the sending State from the obligation of making declarations required under the laws of the receiving State.

*Article 33.* 1. The consular post of the sending State shall be informed by the authorities of the receiving State of any measure 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 eight days following 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.

2. Consular officers may 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 consular officers within a period from two to fifteen days after the day 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 accordance with the laws and regulations of the receiving State.

*Article 34.* 1. Where a national of the sending State dies in the territory of the receiving State, the competent authority of that State shall notify the consular post without delay.

2. (a) Where a consular post that has been notified of the death of one of its nationals so requests, the competent authorities of the receiving State shall provide it with such information as they are able to gather, provided that the laws of that State so permit, in order that an inventory of the estate and a list of persons entitled to inherit may be drawn up;
- (b) A consular post of the sending State may request the competent authority of the receiving State to take promptly the necessary measures for the safekeeping and administration of an estate left in the territory of the receiving State;
- (c) A consular officer may assist, directly or through a deputy, in the implementation of the measures referred to in subparagraph (b).

3. If measures of conservation have to be taken and if no heir is present or represented, a consular officer of the sending State shall be invited by the authorities of the receiving State to be present, if necessary, during the procedures of appending and breaking the seals and during the establishment of 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 organs 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 or 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 35.** 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 head of the consular post in whose district the port is situated and the latter shall be entitled to perform freely the functions referred to in article 36, without interference on the part of the authorities of the receiving State. In order to exercise those functions, the head of the consular post, accompanied, if he so wishes, by a member of the consular post, 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 district within which the vessel lies and shall, to that end be provided, where appropriate, with a pass by the authorities of the receiving State. If

these authorities object on the grounds that it would be physically impossible for the persons concerned to rejoin the vessel before its departure, they shall immediately so inform the competent 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 exercise of the functions referred to in this article; these authorities shall provide such assistance unless they have valid reasons for refusing it in a particular case.

*Article 36.* Consular officers may:

1. Receive any declaration or draw up any document prescribed by the law of the sending State concerning:
  - (a) The registration of a vessel in the sending State where such vessel was neither built nor registered in the receiving State or, if such is the case, after authorization has been issued by the latter State;
  - (b) The cancellation of the registration of a ship of the sending State;
  - (c) The issuing of navigation licences to 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, take statements with regard to its route and destination and generally facilitate its arrival and departure;
3. Appear with the master or members of the crew before the authorities of the receiving State and assist them, including, where necessary, procuring legal assistance for them.
4. Provided that the judicial authorities of the receiving State do not take jurisdiction in accordance with the provisions of article 37 of this Convention, settle disputes between the master and members of the crew, including disputes as to wages and the execution of contracts of service subject to the same proviso, they may exercise the powers attributed to them by the sending State with regard to the engagement, embarkation, discharge and disembarkation of seamen and take measures for the preservation of order and discipline on the vessel;
5. Take measures for the enforcement of the shipping laws of the sending State;
6. If necessary, make arrangements for the repatriation or admission to hospital of the master or members of the crew of the vessel;
7. Carry out the inventories and other operations necessary to preserve the property and articles of any sort left by seamen and passengers, nationals of the sending State, who die on board a vessel of that State before its arrival in port.

*Article 37.* 1. The authorities of the receiving State shall not intervene in any matter relating to the internal management of the vessel except at 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.

2. Except 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 for the purpose of maintaining peace and order or in the interests of health or public safety, on land or in the port, or for the purpose of suppressing disorders in which non-crew members are involved.

3. The authorities of the receiving State shall not 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 the rules regarding public health, safety of 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;
- (c) Are punishable by a sentence of deprivation of liberty for at least five years under the legislation of either Contracting Party.

4. If, for the purpose of exercising the rights referred to in paragraph 3 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 inquiry on board the vessel, they shall notify the competent consular officer in good time so that he may be present during such inspections, investigations or arrests. The notice issued to that effect must specify a time, and, if the consular officer is not present or is not represented, the authorities shall proceed without him. A similar procedure shall be followed when a master or members of the crew are required to make statements before local courts or administrative bodies.

However, in the case of a serious offence or *flagrante delicto*, the authorities of the receiving State shall inform the consular officer in writing of the urgent measures that have had to be taken.

5. The provisions of this article shall not apply to routine investigations with regard to customs, health, the admission of aliens or the inspection of international safety certificates.

*Article 38.* 1. 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 as soon as possible to the consular post in whose district it has occurred 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.

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 damage that might be caused by the vessel to port installations or other vessels.

In accordance with the provisions of the local law, 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.

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

2. Where a vessel of any 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 not in a position to make such arrangements.

*Article 39.* The provisions of this Convention shall not apply to warships or military aircraft.

*Article 40.* 1. Subject to the laws and regulations of the receiving State, consular officers may exercise such rights of inspection and supervision as are provided for in the laws and regulations of the sending State with respect to 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 on the territory of the receiving State, the competent authorities of the receiving State shall inform without delay the consular post nearest to the scene of the accident.

*Article 41.* In addition to the functions specified in this Convention, consular officers shall be permitted to exercise any other consular function recognized by the receiving State as consistent with their office.

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.

#### CHAPTER V. FINAL PROVISIONS

*Article 42.* This Convention shall apply throughout the territory of each of the Contracting Parties.

*Article 43.* Any dispute between the two States concerning the application or interpretation of this Convention shall be settled through the diplomatic channel.

*Article 44.* This Convention shall be approved in accordance with the constitutional provisions in force in each of the two countries. It shall enter into force on the first day of the second month following the exchange of notifications confirming that those provisions have been complied with on both sides. It shall remain in force for an unlimited period.



Each of the Contracting Parties may denounce this Convention at any time; such denunciation shall take effect six months from the date of receipt of notice by the other State.

IN WITNESS WHEREOF, the undersigned, duly authorized for that purpose, have signed this Convention.

DONE at Paris, on 24 May 1974, in two copies.

For the Government  
of the French Republic:

*[Signed]*

GILBERT DE CHAMBRUN

For the Government  
of the Algerian People's  
Democratic Republic:

*[Signed]*

MOHAMED MEDJAÏ

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