

No. 21948

**BELGIUM
and
ALGERIA**

Consular Convention (with protocol and exchanges of letters). Signed at Algiers on 17 May 1979

Authentic texts: French, Dutch and Arabic.

Registered by Belgium on 23 June 1983.

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[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE KINGDOM OF
BELGIUM AND THE PEOPLE'S DEMOCRATIC REPUBLIC OF
ALGERIA

The Government of the Kingdom of Belgium and

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

Desiring to regulate consular relations between the two States and thus to contribute to the development of their friendly relations,

Considering that the two Parties have ratified the Vienna Convention on Consular Relations of 24 April 1963,² and affirming that the provisions of that Convention shall continue to govern such matters as are not expressly regulated by this Convention,

Desiring to define consular functions more precisely and thereby to facilitate the protection of the rights and interests of individuals and bodies corporate of each Contracting Party in their respective territories,

Have agreed as follows:

CHAPTER I. DEFINITIONS

Article 1. For the purposes of this Convention:

(a) "Sending State" means the Contracting Party which appoints the consular officers;

(b) "Receiving State" means the Contracting Party in whose territory the consular officers exercise their functions;

(c) "Consular post" means any consulate-general, consulate or vice-consulate;

(d) "Consular district" means the territory assigned to a consular post for the exercise of consular functions;

(e) "Head of consular post" means the person authorized to act in that capacity;

(f) "Consular officer" means any person including the head of a consular post, entrusted with the exercise of consular functions in the capacity of consul-general, consul, deputy consul, vice-consul or consular attaché;

(g) "Consular employee" means any person employed in the administrative or technical services of a consular post;

(h) "Member of the service staff" means any person employed in the domestic service of a consular post;

(i) "Members of the consular post" means consular officers, consular employees and members of the service staff;

(j) "Members of the consular staff" means consular officers other than the head of a consular post, consular employees and members of the service staff;

¹ Came into force on 10 March 1982, i.e., the thirtieth day following the date of the exchange of the instruments of ratification, which took place at Brussels on 8 February 1982, in accordance with article 57 (1).

² United Nations, *Treaty Series*, vol. 596, p. 261.

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

(l) "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;

(m) "Consular archives" means all the papers, documents, correspondence, books, films, recording cassettes and tapes, and registers of the consular post, cipher equipment, card-indexes and the furniture intended for their protection and safe-keeping;

(n) "Vessel of the sending State" means any seagoing or river vessel, listed or registered in that State, including those owned by the sending State, with the exception of warships;

(o) "Aircraft of the sending State" means any aircraft listed or registered in that State and bearing the distinguishing markings thereof, including those owned by the sending State, with the exception of military aircraft;

(p) "Official correspondence of the consular post" means any correspondence relating to the consular post and its functions.

CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS, APPOINTMENT OF CONSULAR OFFICERS AND EMPLOYEES AND EXERCISE OF CONSULAR FUNCTIONS

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

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

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

4. The express and prior consent of the receiving State shall also be required for the establishment of an office forming part of a consular post but situated outside such post.

Article 3. 1. (a) Heads of consular posts shall be admitted to exercise their functions by the Government of the receiving State in accordance with the rules and formalities in force in that State on presentation of their consular commissions or similar credentials.

The exequatur specifying the seat, rank and district of a consular post shall be issued forthwith free of charge. Pending delivery of this exequatur, the head of a consular post may be admitted on a provisional basis to exercise his functions and to enjoy the benefit of the provisions of this Convention.

(b) The receiving State shall admit consular officers who are not heads of posts to exercise their functions upon their appointment, provided that notification is given.

2. The exequatur may not be refused or withdrawn without serious cause; the State which refuses to issue an exequatur shall not be obliged to inform the sending State of the reasons for its refusal. The same shall apply in the case of a refusal to admit, or of a request to recall, consular officers who are not heads of posts.

Article 4. As soon as the head of a consular post is admitted, even provisionally, to exercise his functions, the receiving State shall immediately inform the

competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of the consular post to carry out the duties of his office and to benefit from the treatment specified in the provisions of this Convention.

Article 5. 1. The Ministry of Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

- (a) The arrival of members of a consular post after their appointment thereto, 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 applicable, 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 applicable, the termination of their service in that capacity;
- (d) The recruitment and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to the privileges and immunities.

2. Whenever possible, prior notification shall also be given of arrivals and final departures.

Article 6. In the case of a refusal to admit, or a request to recall, a consular employee or a member of the service staff, the receiving State shall not be obliged to inform the sending State of the reasons therefor.

Article 7. 1. Members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State and consular officers may exercise temporarily, as acting heads of posts, the functions of a head of a consular post who has died or who is unable to carry out his functions because of illness or for any other reason.

2. Acting heads of consular posts may, upon notification to the competent authorities of the receiving State, exercise their functions and enjoy 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 the consular post is appointed.

3. Subject to the consent of the receiving State, a person who is neither a diplomatic agent nor a consular officer of the sending State may be admitted as acting head of post.

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

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 8. 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.

Article 9. Consular premises and the residence of the head of post of which the sending State is the owner or lessee shall be exempt from all national, regional and municipal taxes and charges of whatsoever kind provided that they do not constitute payment for private services rendered.

The tax exemption referred to in the previous paragraph of this article shall not apply to such taxes and charges if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

Article 10. The receiving State shall grant all facilities for exercising the functions of a consular post.

The receiving State shall either facilitate, in line with its laws and regulations, the purchase in its territory by the sending State of the premises necessary for a consular post, or help the sending State to obtain premises in some other way.

It shall also, if necessary, assist a consular post in obtaining suitable housing for its members.

Article 11. 1. 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 sending 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 a 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 12. Consular premises and the residence of the head of a consular post shall be inviolable. The authorities of the receiving State shall not be permitted to enter them without 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 any other public disaster requiring prompt protective action.

The receiving State shall have a special obligation to take all appropriate steps to protect consular premises against any intrusion or damage and to prevent any disturbance of the peace of a consular post or impairment of its dignity.

Article 13. The coat of arms of the sending State, bearing an appropriate inscription in the official language or languages of that State and of the receiving State, may be affixed to a consular building and its external enclosure and to the residence of the head of post.

The flag of the sending State may also be flown on a consulate building and on the residence of the head of post.

A head of consular post may also fly the flag of the sending State on his means of transport when they are used in the exercise of his official functions.

Article 14. Consular archives and documents shall be inviolable at all times wherever they may be.

Article 15. 1. The receiving State shall ensure and protect the freedom of communication of a consular post for all official purposes. In communicating with the Government, diplomatic missions and other consular posts, wherever situated, of the sending State, a consular post may use all appropriate means of communication, including diplomatic or consular couriers, the diplomatic or consular bag, and messages in code or cipher. However, a consular post may install and use a radio transmitter only with the consent of the receiving State.

2. The official correspondence of a consular post shall be inviolable.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reasons to believe that the bag contains articles other than the correspondence, documents and 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. Packages constituting the consular bag shall bear visible external marks indicating 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 *ad hoc* consular couriers.

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 the consular bag in his charge to the consignee.

7. A consular bag may be entrusted to the master of a vessel 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 a consular courier. By arrangement with the competent local authorities, a consular post may send one of its members to take possession of the bag directly and freely from the master of the vessel or aircraft captain.

Article 16. 1. A consular post may, in the territory of the receiving State, levy the fees and charges prescribed by the laws and regulations of the sending State for consular acts.

2. The amounts 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 duties and taxes in the receiving State.

Article 17. 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 18. 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 of 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. Where, 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 a minimum of delay.

Article 19. In the event of the arrest or detention pending trial of a member of the consular staff, or of proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. If a head of consular post is himself the subject of any such measures, the receiving State shall so inform the sending State through the diplomatic channel.

Article 20. 1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authority 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 consular employee which he did not conclude 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, aircraft or other means of transport.

Article 21. 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 a consular officer in the exercise of his functions. It may, whenever 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, including those who are nationals or permanent residents of the receiving State, shall be under no obligation to give evidence in matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They shall also be entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 22. 1. The sending State may waive, with regard to a member of a consular post, any of the privileges and immunities referred to in articles 18, 20 and 21.

2. Such waiver shall in all cases be express. It shall be communicated to the receiving State in writing.

3. The institution of proceedings by a consular officer or a consular employee, in a matter where he would enjoy immunity from jurisdiction by virtue of article 20, shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. A waiver of immunity from jurisdiction in a civil or administrative action shall not be deemed to imply a 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 23. 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.

Article 24. 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 rules 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 engage in any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this article.

Article 25. 1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all personal or real, national, regional or municipal taxes and charges, except:

- (a) Indirect taxes of a kind normally incorporated in the price of goods and services, subject to the provisions of article 26;
- (b) Taxes and charges on private immovable property situated in the territory of the receiving State;
- (c) Succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph 2 of article 27;
- (d) Taxes and charges 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) Taxes and charges levied for private services rendered;
- (f) Registration, court or record fees, and mortgage dues and stamp duties.

2. Members of the service staff shall be exempt from taxes and charges on the wages which they receive from the sending State for services rendered to the consular post.

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

Article 26. 1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit the import and re-export and grant exemption from all customs duties, taxes and related charges, other than charges for storage, cartage and similar services, in respect of:

- (a) Articles for the official use of a 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. 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, subparagraph (b), of this article in respect of articles imported at the time of their 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, subparagraph (b), of this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations.

Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

Article 27. In the event of death of a member of a 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 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 28. Members of a consular post and members of their families forming part of their household shall, provided that they are not nationals of the receiving State, be exempt from military service in that State.

They shall also be exempt from any other compulsory public service, provided that they are neither nationals nor permanent residents of the receiving State.

Article 29. 1. Every member of a consular post shall enjoy the privileges and immunities provided in the present Convention from the time he enters the territory of the receiving State on proceeding to take up his post or, if already in that State, from the time he enters on duty with the consular post.

2. Members of the family of a member of a consular post forming part of his household and members of his private staff shall enjoy the privileges and immunities provided in the present Convention either from the date on which he enjoys privileges and immunities in accordance with paragraph 1 of this article, or from the date of their entry into the territory of the receiving State or from the date of their becoming members of such family or of such private staff, whichever is the latest.

3. When the functions of a member of a consular post have come to an end, his privileges and immunities and those of members of his family forming part of his

household or of members of his private staff shall normally cease at the time the person concerned leaves the territory of the receiving State or on the expiry of a reasonable period that may be allowed in which to do so, whichever is the sooner, but shall subsist until that time, even in the event of armed conflict.

The privileges and immunities of the persons referred to in paragraph 2 of this article shall come to an end when they cease to belong to the household or to the service of a member of the consular post, on the understanding, however, that if such persons intend to leave the territory of the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of death of a member of consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the territory of the receiving State or until the expiry of a reasonable period in which to do so, whichever is the sooner.

Article 30. 1. 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. They also have the duty not to interfere in the internal affairs of that State.

2. Consular premises shall not be used in any way incompatible with the exercise of consular functions.

3. The provisions of the previous paragraph shall not preclude the possibility of installing, in a part of the building in which the premises of the consular post are situated, offices of other bodies or agencies, provided that the premises assigned to such offices are separate from those used by the consular post. In such cases, and for the purposes of this Convention, such offices shall not be deemed to form part of the consular premises.

Article 31. Members of a consular post shall comply with all requirements 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 32. Members of a consular post who are nationals or permanent residents of the receiving State or who engage in a private gainful activity in that State and members of their families shall not enjoy the facilities, privileges and immunities provided for in this chapter.

Members of the family of a member of a consular post who are themselves nationals or permanent residents of the receiving State or engage in a private gainful activity in that State shall also not enjoy the facilities, privileges and immunities provided for in this chapter. 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.

Article 33. 1. The provisions of this Convention shall also apply, to the extent that the context permits, to the exercise of consular functions by a diplomatic mission.

2. The Ministry of Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of the names of the members of the diplomatic mission who are attached to the consular section or otherwise made responsible for exercising consular functions of the mission.

3. In the exercise of consular functions, the diplomatic mission may approach:

- (a) The local authorities of the consular districts;
- (b) The 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.

4. The privileges and immunities of the members of the diplomatic mission who are referred to in paragraph 2 of this article shall continue to be governed by the rules of international law concerning diplomatic relations.

CHAPTER IV. CONSULAR FUNCTIONS

Article 34. To the extent permitted by international law, consular officers shall be authorized:

- 1. To protect in the receiving State the interests of the sending State and the rights and interests of its nationals including bodies corporate; to further in all its forms the development of commercial, economic, tourist, social, scientific, technical, shipping and civil aviation relations between the Contracting Parties;
- 2. To assist nationals of the sending State in their dealings with the authorities of the receiving State; to acquaint themselves with all facts that have affected or may affect the interests of a national of the sending State;
- 3. Subject to the practices and procedures in force in the receiving State, to take steps to ensure appropriate representation of nationals before the courts or other authorities of the sending State and to obtain provisional action for safeguarding the rights and interests of these nationals where, because of absence or for any other reason, they are unable to defend their rights and interests at the proper time;
- 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 35. In the exercise of their functions, consular officers may approach:

- (a) The competent local authorities of their districts;
- (b) The competent central authorities of the receiving State if, and 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 36. Consular officers shall have the right in their consular districts:

- 1. To register their nationals and issue to them the documents relevant thereto. They may request the assistance of the authorities of the receiving State for the purpose of obtaining, to the extent compatible with the laws of that State, statistical data concerning their nationals residing in that State;
- 2. To publish notices in the press for the attention of their nationals and transmit to them various orders and documents emanating from the sending State when such notices, orders or documents relate to a national service.

Article 37. Consular officers shall have the right to issue, renew, amend or revoke:

- (a) Passports or other travel documents for nationals of the sending State;
- (b) Visas and appropriate documents for persons wishing to travel to, or transit through, the sending State.

Article 38. Consular officers shall have the right to transmit judicial and extra-judicial instruments to their own nationals or, in civil and commercial matters, to execute letters rogatory relating to hearings of their nationals in accordance with the agreements in force between the two States.

Article 39. Consular officers shall have the right:

- (a) To legalize signatures appended to any document emanating from the authorities or civil servants of the sending State or of the receiving State;
- (b) To legalize signatures appended to any document by nationals of the sending State, to the extent that the laws of the receiving State so permit;
- (c) To certify copies of any document as true copies;
- (d) To translate instruments and documents or certify the conformity of the translation thereof.

Article 40. Instruments and documents drawn up, certified or authenticated by a consular officer, as also translations of such instruments and documents made or certified by the consular officer, shall have, in the receiving State, the same conclusive force as if such instruments, documents and translations had been drawn up, certified, authenticated or made by the competent authorities of the receiving State, provided that the formalities, if any, governing the matter in that State have been complied with.

Article 41. Consular officers may:

- (a) Issue extracts and copies of any document which they have drawn up within the limits of their competence;
- (b) Accept any declaration or issue any certificate that may be required by the laws of the sending State or of the receiving State, provided that the receiving State does not object thereto;
- (c) Issue certificates of origin or provenance and other similar documents relating to goods, to the extent compatible with the laws of the receiving State;
- (d) Issue in the consular premises notices concerning any matter relating to the rights, obligations or interests of nationals of the sending State;
- (e) Carry out the formalities required for the participation of nationals of the sending State in referendums and elections of that State;
- (f) Receive any declaration provided for in the legislation of the sending State concerning nationality.

Article 42. Consular officers may, in the receiving State, draw up in notarized form:

- (a) Instruments and contracts concluded between nationals of the sending State and unilateral documents of these nationals, provided that such instruments and contracts do not relate to the establishment, transfer or extinction of rights in immovable property situated in the receiving State;

- (b) Instruments 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;
- (c) Wills of nationals of the sending State;
- (d) Instruments and contracts which relate to marriage but cannot give rise to mortgage proceedings in the receiving State.

Article 43. 1. Consular officers shall have the right:

- (a) To draw up, transcribe and transmit civil status certificates of nationals of the sending State;
- (b) To solemnize marriages and draw up the relevant instruments prohibited by the laws and regulations of the receiving State, provided that 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 receive documents relating to necessary consent to marriage, whatever the nationality of the persons providing such consent;
- (d) To record or register, on the basis of a judicial decision that is enforceable under the law of the sending State, any instrument dissolving a marriage contracted before them.

2. The provisions of paragraph 1 shall not absolve the persons concerned from the obligation to make declarations or comply with any other formalities required under the laws of the receiving State.

3. 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 accordingly without delay.

Article 44. Provided that there is nothing contrary thereto in the laws of the receiving State, consular officers shall have the right to accept for safekeeping sums of money, documents including wills, and articles of any kind delivered to them by or on behalf of nationals of the sending State.

Such items in safekeeping may be exported from the receiving State only in accordance with the laws and regulations of that State.

Article 45. 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 a 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. These 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, converse with him in the language of his choice and correspond with him.

The rights to visit and communicate with such national shall be granted to consular officers within 15 days from 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 46. 1. (a) When arrangements must be made for the protection of a minor or other person lacking full capacity who is a national of the sending State and resident in the receiving State, the authorities of the latter State shall, as soon as they have knowledge of the situation, inform the consular officer. The same procedure shall apply when a national of the sending State is confined because of mental illness.

(b) Consular officers shall be entitled to make arrangements for the protection of minors and other persons lacking full capacity who are nationals of the sending State, in accordance with the legislation of that State.

(c) Consular officers shall, as soon as possible, inform the authorities of the receiving State that they themselves or the authorities of the sending State will make arrangements for such protection.

(d) Where the judicial and administrative authorities of the receiving State are informed that consular officers do not intend to arrange for the protection of the minor or other person lacking full capacity, these authorities shall have the right to ensure such protection.

In such cases, consular officers may express their opinion as to the action to be taken in the interest of the minor or other person lacking full capacity.

2. In any emergency, the authorities of each Contracting State on whose territory the minor, the person lacking full capacity or property belonging to them is present, shall take the necessary protective measures. Measures taken pursuant to the preceding paragraph shall cease to have effect as soon as the competent authorities referred to in this article have taken the action that the situation requires.

Article 47. 1. (a) Where a consular officer notified of the death of one of his nationals so requests, the competent authorities of the receiving State shall, provided that the laws of that State so permit, provide him with such information as they are able to gather, in order that an inventory of the estate and a list of persons entitled to inherit may be drawn up.

(b) A consular officer 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).

2. 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 in person during the procedures of appending and breaking the seals and during the establishment of the inventory.

3. 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 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.

4. If a national of the sending State is temporarily in the territory of the receiving State and dies in that territory, any personal effects or money left by the deceased which have not been claimed by an heir who is present or represented shall be delivered to a 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 interest of justice.

The consular officer shall ensure delivery of such personal effects and money to any authority of the receiving State appointed to arrange for the administration or disposal of the property. He must comply with the laws of the receiving State with regard to export of the effects and the transfer of money.

Article 48. 1. Consular officers shall be entitled to interview the master and crew of a vessel and to proceed personally on board the vessel as soon as landing and disembarkation permission has been given. In exercising this right, consular officers shall comply with the security regulations of the receiving State.

Consular officers may request the assistance of the authorities of the receiving State in any matter relating to the exercise of their duties.

2. The master and members of the crew of a vessel of the sending State may communicate with consular officers of that State when the vessel has been given landing and disembarkation permission or is in the roads of a port of the receiving State. The master and members of the crew may proceed to a consular post in accordance with the laws of the receiving State concerning the admission, stay and departure of aliens.

Article 49. Consular officers shall have, in respect of a vessel of the sending State, the right:

- (a) To render assistance to the vessel and facilitate its entry into, stay within and departure from the territorial sea, port or internal waters of the receiving State;
- (b) To question the master or any member of the crew of the vessel;
- (c) To inspect and visa the papers of the vessel;
- (d) To receive declarations concerning the voyage and destination of the vessel;
- (e) To issue, on behalf of the sending State, any document permitting the vessel to continue its voyage;
- (f) To issue and renew any special document concerning the sailors and admitted by the laws and regulations of the sending State;
- (g) To take all steps for signing on and discharging the master or any member of the crew;
- (h) To receive, draw up or sign any declaration or any other documents prescribed by the laws of the sending State concerning the nationality, ownership and valuable security, state and operation of the vessel;
- (i) To take all steps for maintaining order and discipline aboard the vessel;

- (j) To settle any disputes between the master and members of the crew, especially those concerning wages and contracts of recruitment in general;
- (k) To take all steps to ensure medical assistance, including hospitalization and the repatriation of the master and any member of the crew or of travellers who are nationals of the sending State;
- (l) To require presentation of birth or death certificates which the captain has drawn up on board the vessel during the voyage at sea and the wills which he has drawn up or received there;
- (m) To render aid and assistance to the master or members of the crew of the vessel in their relations with the judicial and administrative authorities of the receiving State and, to this end, to ensure that they have the aid of a lawyer or any other person, and to serve as interpreter for them or designate an interpreter to assist them;
- (n) To ensure implementation of the laws of the sending State concerning ship-board matters.

Article 50. Without prejudice to any shipping agreement concluded between Belgium and Algeria, the judicial authorities of the receiving State shall not exercise their jurisdiction either on land or on board a vessel of the sending State in respect of offences committed on board, except in the case of:

- (a) Offences committed by or against a national of the receiving State, or by or against any person other than the master or a member of the crew;
- (b) Offences jeopardizing the tranquillity or security of the port or punishable under the laws of the receiving State relating to State security, public health, immigration, safeguarding human life at sea, customs, and water pollution;
- (c) Offences punishable under the laws of the receiving State by a penalty involving deprivation of liberty for a minimum of five years.

In other cases, the said authorities shall act only at the request or with the consent of a consular officer.

Article 51. 1. Where the authorities of the receiving State intend to arrest or interrogate a person on board, or to seize the vessel or all or part of its cargo, or to institute an official investigation on board, they shall notify the competent consular officer in good time so as to enable him to be present at these visits, investigations, seizures or arrests and, where necessary, to take the appropriate precautionary measures. Such notification shall indicate a specific time for this purpose and, if the consular officer does not appear or send a representative, the proceedings shall go on in his absence, in which case the authorities of the receiving State shall inform the consular officer, at his request, of the action taken by them. A similar procedure shall be followed in cases where the master or members of the crew are required to make statements before the local judicial or administrative authorities. In cases of crime or *flagrante delicto*, however, the authorities of the receiving State shall inform the consular officer of the emergency measures that had to be taken.

2. The provisions of this article shall not apply to routine examinations carried out by authorities of the receiving State with regard to public health, the admission of foreigners, customs, safeguarding human life at sea, and water pollution.

Article 52. 1. Where a vessel of the sending State has been damaged, has run aground or has been wrecked in the territorial or internal waters of the receiving

State, the competent authorities of the latter State shall forthwith inform a consular officer of the accident and of the measures taken to save and protect the vessel, crew, passengers, cargo, supplies and other articles on board.

2. In such cases, the authorities of the receiving State shall take all necessary measures to protect the vessel that has been damaged, has run aground or has been wrecked, its cargo and other articles on board, to protect the life of the persons on board, and to prevent plundering and disorder on the vessel. Such measures shall also extend to articles forming part of the vessel or of its cargo which have become separated from the vessel. The authorities of the receiving State shall also afford consular officers the necessary assistance in taking any measures required as a result of the damage, running aground or wreck. Consular officers shall be entitled to request the authorities of the receiving State to take and continue to take the aforesaid measures, in collaboration, as the case may be, with the master of the vessel.

3. Where the wrecked vessel, its cargo or other articles which were on board are found on or near the shore of the receiving State or are brought into a port of that State and neither the master nor the owner of the vessel or of the cargo nor his agent, nor the underwriters are in a position to make arrangements for their preservation or disposal, a consular officer shall be authorized to make, in his capacity as representative of the owner of the vessel, the same arrangements as their owner could have made for such purposes, in conformity with the laws of the receiving State, had he been present.

4. Consular officers may also take the measures provided for in paragraph 3 of this article with respect to any articles belonging to a national of the sending State and coming from, or forming part of the cargo of, a vessel of any nationality which has been brought into a port or found on or near the shore or on the vessel which has been damaged, has run aground or has been wrecked. The competent authorities of the receiving State shall inform the consular officers without delay of the existence of such articles.

5. A consular officer shall be entitled to attend the inquiry held to determine the causes of the damage, running aground or wreck, unless precluded from doing so by the laws of the receiving State.

Article 53. 1. (a) If the master or a member of the crew of a vessel of the sending State dies or disappears on board the vessel, the master or his substitute and the consular officers shall have sole competence to draw up an inventory of the personal effects, valuables and other property left on board by the deceased or missing person and to perform such other acts as are necessary for the preservation of those assets and, where appropriate, the liquidation of the estate.

(b) If the deceased or missing person is a national of the receiving State, the master or his substitute shall, at the time the person is declared dead or missing, draw up an inventory, a copy of which shall be delivered to the authorities of the receiving State, and those authorities shall have sole competence to perform all such other acts as are necessary for the preservation of the assets and, where appropriate, the liquidation of the estate.

2. If a consular officer exercises the rights in the matter of succession referred to in this article he shall comply with the laws of the receiving State.

Article 54. The provisions of articles 48 to 53 of this Convention shall apply *mutatis mutandis* to an aircraft of the sending State, provided that they are not con-

trary to the laws and regulations of the receiving State or of other conventions in force between the Contracting Parties.

Article 55. Consular officers shall also be authorized to exercise any other function assigned by the sending State, provided that:

- (a) It involves no conflict with the laws of the receiving State;
- (b) The authorities of the receiving State, having been informed, raise no objection to the exercise of such function.

CHAPTER V. GENERAL PROVISIONS

Article 56. Any dispute between the two States concerning the application or interpretation of this Convention shall be settled through the diplomatic channel.

CHAPTER VI. FINAL PROVISIONS

Article 57. 1. This Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

It shall enter into force on the thirtieth day after the day of the exchange of instruments of ratification.

2. This Convention shall continue in force for an indefinite period. Either of the Contracting Parties may at any time denounce it and such denunciation shall take effect six months after the date of notification to the other State.

3. Either Contracting Party may propose to the other Contracting Party that one or more articles of this Convention should be amended, supplemented or developed. In the event of agreement on such an amendment, the amendment shall be the subject of a Protocol which shall constitute an integral part of this Convention.

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

DONE at Algiers, on 17 May 1979, in two original copies, in the French, Dutch and Arabic languages, the three language versions being equally authentic.

For the Government
of the Kingdom of Belgium:

[Signed]

HENRI SIMONET

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

[Signed]

MOHAMED BENYAHIA

PROTOCOL TO THE CONSULAR CONVENTION BETWEEN THE KINGDOM OF BELGIUM AND THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

On the occasion of signing the Consular Convention of today's date between the Kingdom of Belgium and the People's Democratic Republic of Algeria, hereinafter referred to as "the Convention", the plenipotentiaries of the High Contracting Parties have agreed as follows:

1. The Convention shall apply exclusively to career consular officers.
2. Consular officers shall have the nationality of the sending State and shall not possess the nationality of the receiving State. They shall be neither permanent residents of the receiving State nor engage, in that State, in any private gainful occupation.
3. This Protocol shall constitute an integral part of the Convention.

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

DONE at Algiers, on 17 May 1979, in two original copies in the French, Dutch and Arabic languages, the three language versions being equally authentic.

For the Government
of the Kingdom of Belgium:

[Signed]

HENRI SIMONET

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

[Signed]

MOHAMED BENYAHIA

EXCHANGES OF LETTERS

I a

Sir,

On the occasion of signing the Consular Convention between our two countries, I have the honour, on behalf of my Government, to inform you that the People's Democratic Republic of Algeria does not admit either honorary consular posts or honorary consular officers in its territory.

If, in the future, this situation were to change, the status of such categories of consular posts and consular officers would be governed by the 1963 Vienna Convention on Consular Relations.

If the Government of the Kingdom of Belgium is in a position to signify its agreement with this proposal, this letter and your reply shall constitute an agreement forming an integral part of the Convention between our two countries.

Accept, Sir, etc.

[MOHAMED BENYAHIA]

His Excellency Mr. Henri Simonet
Minister for Foreign Affairs
of the Kingdom of Belgium

II *a*

Sir,

I have the honour to acknowledge receipt of your letter of 17 May 1979, reading as follows:

[*See letter I a*]

I have the honour to inform you that the Government of the Kingdom of Belgium signifies its agreement with this proposal and that your letter and my reply constitute an agreement that will form an integral part of the Convention between our two countries.

Accept, Sir, etc.

[HENRI SIMONET]

His Excellency Mr. Mohamed Benyahia
Minister for Foreign Affairs
of the People's Democratic Republic of Algeria

I *b*

Sir,

On the occasion of the signing of the Consular Convention between our two countries, I have the honour, on behalf of my Government, to inform you that, subject to the laws and regulations of the receiving State concerning areas to which access is prohibited or regulated for reasons of national security, the members of the consular post of the Kingdom of Belgium in Algeria are authorized, simply by notifying the competent authority, to circulate freely within the limits of the consular district for the purpose of exercising their functions.

I should be grateful if you would acknowledge receipt of this letter and confirm to me your agreement therewith so that this letter and your reply will form an integral part of the Consular Convention concluded between our two countries.

Accept, Sir, etc.

[MOHAMED BENYAHIA]

His Excellency Mr. Henri Simonet
Minister for Foreign Affairs
of the Kingdom of Belgium

II *b*

Sir,

I have the honour to acknowledge receipt of your letter of 17 May 1979, reading as follows:

[*See letter I b*]

I have the honour to confirm my agreement that your letter and this reply form an integral part of the Consular Convention concluded between our two countries.

Accept, Sir, etc.

[HENRI SIMONET]

His Excellency Mr. Mohamed Benyahia
Minister for Foreign Affairs
of the People's Democratic Republic of Algeria
