

No. 24830

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**CZECHOSLOVAKIA**  
and  
**LAO PEOPLE'S DEMOCRATIC REPUBLIC**

**Consular Convention. Signed at Vientiane on 15 March 1985**

*Authentic texts: Czech, Lao and French.*

*Registered by Czechoslovakia on 12 June 1987.*

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**TCHÉCOSLOVAQUIE**  
et  
**RÉPUBLIQUE DÉMOCRATIQUE POPULAIRE LAO**

**Convention consulaire. Signée à Vientiane le 15 mars 1985**

*Textes authentiques : tchèque, lao et français.*

*Enregistrée par la Tchécoslovaquie le 12 juin 1987.*

[TRANSLATION — TRADUCTION]

## CONSULAR CONVENTION<sup>1</sup> BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

The Czechoslovak Socialist Republic and the Lao People's Democratic Republic,  
Wishing to regulate consular relations between the two States and to develop those relations in a spirit of friendship and co-operation,

Have decided to conclude this Consular Convention and for that purpose have agreed as follows:

### CHAPTER I. DEFINITIONS

*Article I.* For the purposes of this Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) "Consular post" means any consulate-general, consulate, vice-consulate or consular agency;
- (b) "Consular district" means the area assigned to a consular post for the exercise of consular functions;
- (c) "Head of consular post" means the person charged by the sending State with the duty of acting in that capacity;
- (d) "Consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions;
- (e) "Consular employee" means any person employed in the administrative, technical or domestic service of a consular post;
- (f) "Members of the consular staff" means consular officers, other than the head of a consular post, and consular employees;
- (g) "Members of the consular post" means consular officers and consular employees;
- (h) "Member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post;
- (i) "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, including the residence of the head of a consular post;
- (j) "Consular archives" means all papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping;
- (k) "Official correspondence" means any correspondence relating to the consular post and its functions;
- (l) "Vessel" means any vessel sailing under the flag of the sending State, with the exception of warships;

<sup>1</sup> Came into force on 19 February 1987, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Prague on 20 January 1987, in accordance with article 57.

(m) "Aircraft" means any civilian aircraft registered in the sending State in conformity with its laws and bearing the insignia of that State.

## CHAPTER II. ESTABLISHMENT OF A CONSULAR POST AND APPOINTMENT OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES

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

2. The seat of the consular post, its classification and the consular district, as well as the number of members of the consular post, shall be agreed in advance in writing by the sending State and the receiving State.

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

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

*Article 3.* A consular officer can only be a national of the sending State.

*Article 4.* Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

*Article 5.* 1. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.

2. The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.

*Article 6.* 1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an exequatur, whatever the form of this authorization.

2. A State which refuses to grant an exequatur is not obliged to give to the sending State reasons for such refusal.

*Article 7.* Pending delivery of the exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of this Convention shall apply to him.

*Article 8.* 1. If the head of a consular post is unable for any reason to carry out his functions or if the position of head of consular post is temporarily vacant, the sending State may entrust the functions of acting head of consular post to a consular officer of that post or another consular post, or to a member of the diplomatic staff of the diplomatic mission; the sending State shall, in advance, notify the Ministry of Foreign Affairs of the receiving State of the name of the person concerned.

2. The acting head of consular post shall enjoy the rights, privileges and immunities which this Convention accords to a head of consular post.

*Article 9.* As soon as the head of a consular post is admitted, even provisionally or temporarily, to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district and take the necessary measures to enable him to carry out the duties of his office and to have the benefit of the provisions of this Convention.

*Article 10.* 1. The sending State shall notify the Ministry of Foreign Affairs of the receiving State of:

- (a) The appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;
- (b) The arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
- (c) The arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;
- (d) The engagement and discharge of persons resident in the receiving State as members of a consular post.

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

*Article 11.* 1. The receiving State shall issue to each consular officer a document confirming his right to exercise his consular functions in the territory of the receiving State.

2. The receiving State may at any time and without having to give the reasons for its decision, notify the sending State that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, recall the person concerned, terminate his functions with the consular post or withdraw his appointment.

3. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 2 of this article, the receiving State may, as the case may be, either withdraw the exequatur from the person concerned or cease to consider him as a member of the consular staff.

*Article 12.* The functions of a member of a consular post shall come to an end *inter alia*:

- (a) On notification by the sending State to the receiving State that his functions have come to an end;
- (b) On withdrawal of the exequatur;
- (c) On notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff, in the cases referred to in article 11, paragraph 3.

### CHAPTER III. PRIVILEGES AND IMMUNITIES

*Article 13.* 1. The receiving State shall accord full facilities for the performance of the functions of the consular post and of consular officers and shall take the necessary measures to enable consular officers to enjoy the rights, privileges and immunities due to them under this Convention.

2. The receiving State shall treat the members of the consular post with due respect and shall take all appropriate measures to ensure their protection, liberty and dignity.

*Article 14.* 1. The sending State shall have the right to the use of its national flag and coat-of-arms in accordance with the provisions of this article.

2. The national flag of the sending State may be flown and its coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.

3. In the exercise of the right accorded by this article, regard shall be had to the laws, regulations and usages of the receiving State.

*Article 15.* 1. The sending State may, in accordance with the laws of the receiving State, acquire or hold, under ownership or tenure, land, buildings or parts of buildings intended for the needs of a consular post or a residence for the members of the consular post who are nationals of the sending State.

2. The receiving State shall provide every necessary assistance to the sending State in acquiring land, buildings or parts of buildings for the purposes mentioned under paragraph 1.

3. The sending State is not relieved of the obligation to observe the laws of the receiving State on construction and city planning or other restrictions applied to the area where such land, buildings or parts of buildings are located.

*Article 16.* 1. Consular premises shall be inviolable. The authorities of the receiving State shall not enter the consular premises except with the consent either of the head of the consular post or of the head of the diplomatic mission of the sending State or of a person nominated by one of them.

2. The receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage, and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

3. The consular premises, their furnishings and other objects situated therein shall be immune from any search, requisition, seizure or measure of execution.

*Article 17.* The consular archives and documents shall be inviolable at all times and wherever they may be.

*Article 18.* 1. The sending State shall be exempt in the receiving State from all dues and taxes in respect of:

- (a) Land, buildings and parts of buildings intended to be used for consular purposes or for the residence of members of the consular post, where such land, buildings and parts of buildings are the property of the sending State or leased on its behalf;
- (b) Contracts and instruments relating to the acquisition of the immovable property referred to in paragraph 1 (a);
- (c) The exercise of consular functions, including the collection of duties and consular fees.

2. The sending State shall also be exempt in the receiving State from all dues and taxes relating to the ownership, possession or use of any movable property intended to be used exclusively for consular purposes.

3. The exemption referred to in this article shall not apply to charges levied for specific services rendered.

*Article 19.* 1. Consular officers and members of their families, provided that the person concerned is not a national or permanent resident of the receiving State, shall be immune from the criminal, civil and administrative jurisdiction of the receiving State.

2. Consular employees and members of their families, provided that the person concerned is not a national or a permanent resident of the receiving State, shall be immune from the criminal jurisdiction of the receiving State. They shall be immune from the civil and administrative jurisdiction in respect of the exercise of their official functions.

3. The provisions of paragraphs 1 and 2 shall not apply to:

- (a) Civil proceedings concerning agreements which have not been concluded by the consular officer or employee on behalf of the sending State;
- (b) Civil proceedings concerning inheritance in which the consular officer or consular employee does not represent the sending State but appears as a private person;
- (c) Civil proceedings begun by a third party for damage resulting from an accident involving a motor vehicle or vessel or an aircraft in the receiving State;
- (d) Civil proceedings concerning any professional or commercial activity engaged in by a consular officer or consular employee in the receiving State outside his official functions.

*Article 20.* 1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee shall not, except in the cases mentioned in paragraph 4 of this article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The appropriate provisions of paragraph 1 in respect of consular officers and consular employees shall also apply to members of their families.

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

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

*Article 21.* 1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in articles 19 and 20.

2. The waiver of privileges and immunities shall in all cases be express, except as provided in paragraph 3 of this article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under article 19 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 22.* The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, and from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

*Article 23.* 1. Consular officers, consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to registration, residence and work permits and other similar formalities to which foreigners in general would be liable.

2. The provisions of paragraph 1 of this article shall not, however, apply to consular employees who are not nationals of the sending State or who carry on any private gainful occupation in the receiving State or to any members of the family of any such employee.

*Article 24.* 1. Subject to the provisions of paragraph 3 of this article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from the social security provisions which may be in force in the receiving State.

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

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

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

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

*Article 25.* 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, subject to the provisions of article 18;
- (c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of article 27;
- (d) Dues and taxes on private income of all kinds having its source in the receiving State, including profits from the transfer of property;
- (e) Charges levied for specific services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 18.

2. Members of the consular post who employ persons whose wages or salaries are subject to 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 26.* 1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges in respect of imports or connected with imports other than charges for storage, cartage and similar services, on:

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

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 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 the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

- (a) 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;
- (b) Shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

*Article 28.* 1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic couriers, diplomatic or consular bags and messages in code or cipher.

2. In the use of public means of communication by a consular post, the same conditions shall apply to a consular post as to a diplomatic mission.

3. The official correspondence of the consular post shall be inviolable.

4. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than official correspondence, documents or articles intended exclusively for official use, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

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

*Article 29.* 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 consular officer or consular employee, as well as members of their families, may travel freely in the territory of the receiving State. The provisions of this article shall not affect the conditions concerning the granting of visas or other travel documents in accordance with the laws and regulations of the receiving State.



## CHAPTER IV. CONSULAR JURISDICTION AND FUNCTIONS

*Article 30.* 1. A consular officer shall be entitled to carry on, within the consular district, in accordance with the laws of the receiving State, the functions enumerated in this Convention.

2. A consular officer may exercise his consular functions outside his consular district only with the consent of the receiving State.

*Article 31.* Consular officers shall be entitled to:

- (a) Protect in the receiving State the rights and interests of the sending State, as well as those of its nationals, including bodies corporate;
- (b) Further the development of commercial, economic, cultural and scientific relations between the High Contracting Parties and promote friendly relations between them;
- (c) Ascertain by all lawful means, conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested.

*Article 32.* In the exercise of their functions, consular officers may address:

- (a) The competent local authorities of their consular district;
- (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 the relevant international agreements.

*Article 33.* 1. A consular officer shall have the right, in accordance with the laws and regulations of the receiving State, to represent or arrange appropriate representation for nationals of the sending State before the judicial authorities and other authorities of the receiving State, where, because of absence or for any other reason, such nationals are unable to assume the defence of their rights and interests. The same shall apply in respect of bodies corporate of the sending State.

2. The representation referred to in paragraph 1 of this article shall cease when the persons represented have appointed an authorized agent or have themselves assumed the defence of their rights and interests.

3. When a consular officer exercises the functions of representative referred to in paragraph 1 of this article, he shall be subject, in the exercise of such functions, to the laws of the receiving State and to the jurisdiction of the judicial authorities and other authorities of that State, under the same conditions and to the same extent as a national of that State.

*Article 34.* 1. In accordance with the laws of the sending State, a consular officer shall be entitled to issue, renew, modify, cancel, withdraw or withhold travel documents of nationals of the sending State.

2. He shall be entitled to issue visas to persons wishing to travel to the sending State, and to extend or cancel such visas.

*Article 35.* 1. To the extent that he is empowered by the laws of the sending State, the consular officer shall be entitled:

- (a) To receive requests and declarations concerning the nationality of nationals of the sending State and to issue the relevant documents;
- (b) To make out and transcribe birth and death certificates of nationals of the sending State;
- (c) To perform marriages and make out the relevant certificates, where the future spouses are both nationals of the sending State, provided that he informs the competent authorities of the receiving State when the laws of the receiving State so require;

- (d) Register or make a note of the dissolution of a marriage, in accordance with the laws of the sending State;
- (e) Receive any declarations concerning the family relationships of nationals of the sending State.

2. The provisions above shall not exempt the persons concerned from the obligation to make the declarations required under the laws of the receiving State.

3. The competent authorities of the receiving State shall communicate, without delay and free of charge, to the consular post copies of or extracts from official records relating to either the civil or the personal status of nationals of the sending State which may be requested from them for administrative purposes.

*Article 36.* A consular officer shall have the right to:

- (a) Receive and certify all declarations of nationals of the sending State;
- (b) Draw up, certify and receive for safe keeping wills and other instruments as well as declarations of nationals of the sending State;
- (c) Certify or legalize signatures of nationals of the sending State;
- (d) Translate and legalize all instruments and documents issued by authorities of the sending State or the receiving State, and certify translations and copies of such documents and extracts therefrom.

*Article 37.* Consular officers shall have the right to carry out the following operations at the consular post, at their domiciles, at the domicile of a national of the sending State and aboard a vessel or aircraft of the sending State:

- (a) Draw up and authenticate instruments and agreements which nationals and the sending State wish to conclude, provided that such instruments and agreements are not contrary to the laws of the receiving State and do not relate to the establishment or transfer of rights to immovable property situated in that State;
- (b) Draw up and authenticate instruments and agreements regardless of the nationalities of the parties, provided that such instruments and agreements relate exclusively to property or rights in the sending State or to business subject to examination in that State, and provided that such instruments and agreements are not contrary to the laws of the receiving State.

*Article 38.* Consular officers shall have the right to receive for safe keeping, from nationals of the sending State, documents, sums of money, valuables and other movable goods belonging to them. The said documents, sums of money, valuables and other movable property shall be exported from the receiving State only in accordance with the laws of the receiving State.

*Article 39.* The instruments and documents referred to in articles 36 and 37 shall have, in the receiving State, the same legal significance and evidentiary value as documents authenticated, legalized or certified by the judicial or other competent authorities of that State.

*Article 40.* The receiving State shall accept without legalization signatures affixed by consular officers to documents which they issue or copies which they certify as true copies of originals issued by the competent authority where such documents bear their official seal and are drawn up materially in such a way as to make evident their authenticity.

*Article 41.* Consular officers shall have the right, in accordance with the international agreements in force or, if such agreements do not exist, in any other manner compatible with the laws and regulations of the receiving State:

- (a) To transmit to nationals of the sending State residing in the territory of the receiving State legal and extra-legal instruments;
- (b) To transmit at the request of the judicial authority of the sending State letters rogatory to the authorities of the receiving State competent to execute them and to execute themselves letters rogatory concerning nationals of the sending State.

*Article 42.* 1. In the event of the death of a national of the sending State in the territory of the receiving State, the competent authority of that State shall notify the consular post without delay.

2. The same shall apply where an heir, successor or legatee in respect of a succession opened in the territory of the receiving State is a national of the sending State not residing in the territory of that State and has no legal representative in that State.

3. The consular post of the sending State may request the competent authority of the receiving State to take without delay the necessary steps to safeguard and administer property left in that State by a deceased national of the sending State and to inform it of such steps in the event that they have already been taken. The consular post may provide assistance, either directly or through a representative, in implementing the steps referred to in this paragraph.

4. If, after the completion of the formalities connected with the inheritance in the receiving State, movable property forming part of the estate or the proceeds from the sale of movable or immovable property fall to an heir, successor or legatee who is a national of the sending State who does not reside in the receiving State and who has not appointed an authorized agent, the said property or the proceeds from the sale shall be entrusted to the consular post of the sending State, provided:

- (a) That proof of qualification as heirs, successors or legatees is supplied;
- (b) That the competent authorities of the receiving State have, where necessary, authorized the transfer of the inherited property or the proceeds from its sale;
- (c) That all the hereditary debts, declared within the time limit prescribed by the laws of the receiving State, have been paid or secured;
- (d) That the estate duties have been paid or secured.

5. Where a national of the sending State not domiciled in the receiving State dies while temporarily present in the territory of that State, the effects, sums of money and other assets which he had with him and which have not been claimed by a present heir, shall be, without any other formality, entrusted to the consular post of the sending State on a provisional basis in order to ensure their safe keeping, subject to the right of the administrative or judicial authorities of the receiving State to seize them in the interest of justice. The consular post shall deliver such effects, sums of money and other assets to any authority of the receiving State which has been assigned to administer or dispose of them. The consular post shall respect the law of the receiving State regarding the export of effects and the transfer of sums of money.

6. The provisions of article 33 of this Convention shall also apply to estate matters.

*Article 43.* 1. The authorities of the receiving State shall notify the competent consular post, when they are aware of them, of cases in which it would be advisable to provide for the appointment of a guardian or trustee for a national of the sending State.

2. The provisions of article 33 of this Convention shall be applicable with regard to the protection and defence of the rights and interests of minors or other incapable persons.

3. In cases where the administration of the property of minors or other incapable persons is not ensured, the consular officer may provide for the appointment of an administrator of such property or request the competent authorities of the receiving State to take the necessary steps.

*Article 44.* A consular officer may, in accordance with the laws of the sending State, take care of a minor who is a national of that State living in the territory of the receiving State, if that State recognizes such competence.

*Article 45.* 1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

- (a) Consular officers shall be free to communicate with nationals of the sending State and have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;
- (b) The competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or subjected to any other form of restriction of his personal freedom. Any communication addressed to the consular post by the person arrested or subjected to any other form of restriction of his personal freedom shall also be forwarded by the said authorities without delay. The said authorities shall inform without delay the person whose personal freedom has been restricted of the rights which he has under this paragraph;
- (c) Consular officers shall have the right to visit such a national of the sending State, to converse and correspond with him and to arrange for his legal representation. The competent authorities of the receiving State shall facilitate without delay the exercise of such rights;
- (d) Where a national is serving, after sentencing, a sentence involving personal restraint, consular officers shall have the right to visit him on several occasions. Any such visit should enable consular officers to converse with the prisoner.

2. The rights referred to in paragraph 1 of this article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must not render such rights inoperative.

*Article 46.* 1. A consular officer may render every assistance and aid to vessels of the sending State which are entering or are in a port or at another anchoring place, within a consular district. He may board said vessels as soon as they have received *pratique* and communicate freely with the master, the members of the crew or with passengers who are nationals of the sending State.

2. The master or any member of the crew shall have free access to the consular post if the consular post is at the port where the vessel is. If the consular post is not at the port, such communication shall be subject to the approval of the competent authority of the receiving State.

3. Without prejudice to the rights of the authorities of the receiving State, consular officers may make inquiries regarding any incident which occurred during the crossing on board a vessel of the sending State, question the master and any member of the crew, examine the vessel's papers, take statements with regard to her voyage and destination, settle, in so far as the laws of the sending State so permit, disputes of any kind

between the master, the officers and the crew, take measures to hospitalize and repatriate the master or any member of the crew, and facilitate the vessel's entry into, stay in and departure from a port. A consular officer may request aid and assistance from the authorities of the receiving State in the exercise of such functions.

4. The authorities of the receiving State shall not interfere in any incident on board the vessel, with the exception of disorders likely to disturb the peace and public order, on land or in the port, or jeopardize public health and security, and disorders in which persons who are not members of the crew may have become involved.

5. Where the competent authorities of the receiving State intend to make inspections, carry out investigations or take any coercive measures on board a vessel of the sending State which is in the waters of the receiving State, such authorities, before proceeding to take such action, shall notify the consular post so as to enable consular officers to be present. Notification to that effect shall indicate the precise time such action is to be taken. If the consular officers or their representative were not present at such proceedings, they may, by applying to the said authorities, request that such authorities provide them with full information on what happened. The provisions of this paragraph shall also apply in the event that the master or any member of the crew are to be questioned by the authorities of the receiving State.

6. In the event of any emergency measures or if the inquiry is conducted at the request of the master, a consular officer shall be notified in the course of the inquiry and as soon as possible. The consular officer shall, at his request, also be notified when an inquiry is conducted in his absence.

7. The provisions of paragraphs 5 and 6 of this article may not be invoked against the authorities of the receiving State in any matters concerning enforcement of the customs laws and regulations or other control measures pertaining to public health, harbour policies, the safety of merchandise or the admission of aliens.

8. The provisions of this article shall not apply to warships.

*Article 47.* 1. Where a vessel of the sending State is wrecked, runs aground or is otherwise damaged within the limits of the receiving State, the competent authorities of that State shall as soon as possible notify the consular post thereof and inform it of the measures taken or planned with a view to saving the passengers, the members of the crew, the vessel and the cargo. A consular officer may extend all assistance to the vessel, to the members of the crew and to the passengers, and may take measures to save the cargo and to repair the vessel. He may also request the authorities of the receiving State to take such measures.

2. If the shipowner, the master or any other accredited person are unable to make the necessary arrangements for the preservation and management of the vessel or of its cargo, the consular officer may take, on behalf of the shipowner, the measures which the latter himself could have taken for such purposes.

3. The provisions of paragraph 2 of this article shall also apply to any article belonging to a national of the sending State and forming part of the cargo of a vessel of the sending State or of a third State which might have been found on the coast or near the coast of the receiving State or brought into a port in the consular district.

4. The competent authorities of the receiving State shall provide the consular officer with the necessary assistance in all measures to be taken in cases of damage to a vessel.

5. A vessel of the sending State which has been damaged, its cargo and the provisions on board the vessel shall not be subject to customs duties in the territory of the receiving State unless they have been made available for use or consumption in that State.

*Article 48.* The provisions of articles 46 and 47 shall also apply, *mutatis mutandis*, to aircraft of the sending State.

*Article 49.* Consular officers may exercise the functions of control and inspection of aircraft of the sending State and of their crews, as provided by the laws of that State. They may also render assistance to such aircraft and crews.

*Article 50.* The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

*Article 51.* In addition to the functions provided by this Convention, consular officers may exercise other consular functions which are not contrary to the laws of the receiving State.

#### CHAPTER V. FINAL PROVISIONS

*Article 52.* 1. Without prejudice to their privileges and immunities, all persons enjoying such privileges and immunities must respect the laws and regulations of the receiving State, including the highway code and regulations concerning the insurance of motor vehicles. They also have a duty not to interfere in the internal affairs of that State.

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

*Article 53.* Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks rising from the use of any vehicle, vessel or aircraft.

*Article 54.* 1. Members of a consular post who are nationals or permanent residents of the receiving State shall be subject to the jurisdiction of the receiving State except with regard to the exercise of their functions and shall enjoy the privileges and immunities provided for under Chapter III of this Convention only in so far as article 20, paragraph 4, accords such privileges and immunities to them.

2. The provisions of Chapter III of this Convention, without prejudice, however, to the provisions of article 20, paragraph 4, shall not apply:

- (a) To members of the families of the persons referred to in paragraph 1 of this article or to members of the family of a member of a consular post who are themselves nationals or permanent residents of the receiving State;
- (b) To members of the private staff who are themselves nationals or permanent residents of the receiving State.

3. The receiving State shall exercise its jurisdiction over the persons referred to in paragraphs 1 and 2 of this article in such a way as not to hinder excessively the functions of the consular post.

*Article 55.* 1. The provisions of this Convention shall also apply, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State.

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

*Article 56.* This Convention shall be ratified. The exchange of the instruments of ratification shall take place at Prague.

*Article 57.* This Convention shall enter into force on the thirtieth day following the exchange of the instruments of ratification and shall remain in force until one of the High Contracting Parties denounces it in writing, after having given six months' prior notification to the other High Contracting Party.

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

DONE at Vientiane on 15 March 1985 in duplicate in the Czech, Laotian and French languages, all texts being equally authentic. In the event of divergent interpretations of the Czech and Laotian texts, the French text shall prevail.

For the Czechoslovak Socialist  
Republic:

[LADISLAV KOCSIS]

For the Lao People's Democratic  
Republic:

[SOULIVONG PHASITTHIDETH]