

**No. 25374**

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**FRANCE  
and  
VIET NAM**

**Consular Convention. Signed at Paris on 21 December 1981**

*Authentic texts: French and Vietnamese.*

*Registered by France on 6 October 1987.*

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*Enregistrée par la France le 6 octobre 1987.*

## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE FRENCH REPUBLIC  
AND THE SOCIALIST REPUBLIC OF VIET NAM

The President of the French Republic and

The President of the Council of State of the Socialist Republic of Viet Nam,

Wishing to develop the friendly relations existing between the two countries, desiring to regulate consular relations and to promote the protection of the interests of their States as well as the rights and interests of their nationals,

Have decided to conclude a Consular Convention and for that purpose have appointed as their plenipotentiaries:

The President of the French Republic, Mr. Jean Meadmore, Minister Plenipotentiary, Director, French Nationals Abroad and Aliens in France (Directeur des Français à l'Étranger et des Étrangers en France),

The President of the Council of State of the Socialist Republic of Viet Nam, Mr. Mai Van Bo, Ambassador Extraordinary and Plenipotentiary of the Socialist Republic of Viet Nam in France,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

## CHAPTER I. DEFINITIONS

*Article 1.* 1. 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 within which a consular officer is entitled to exercise consular functions.

(c) "Head of consular post" means the person charged 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 as a consul-general, deputy consul-general, consul, deputy consul, vice-consul or consular attaché.

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

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

(g) "Member of the consular post" means any consular officer, consular employee or member of the service staff.

<sup>1</sup> Came into force on 1 December 1983, i.e., the first day of the second month following the exchange of the instruments of ratification, which took place at Hanoi on 7 October 1983, in accordance with article 47 (1).

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

(i) "Consular premises" means buildings or parts of buildings and land ancillary thereto, irrespective of ownership, used exclusively for consular purposes.

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

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

(l) "Vessel of the sending State" means any ship or floating craft lawfully flying the flag of the sending State or registered in said State, with the exception of warships.

(m) "Aircraft of the sending State" means any aircraft registered in the sending State and lawfully bearing the national identification and registration marks of the sending State, with the exception of military aircraft.

2. The provisions of this Convention which are applicable to the nationals of the sending State shall also apply, where appropriate, to bodies corporate which have their headquarters in the territory of the sending State and which are constituted in accordance with the laws of that State.

## CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS; APPOINTMENT OF THE MEMBERS OF A CONSULAR POST

*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, staff and consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

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

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consulate apart from the site thereof.

6. The members of the consular post may, as appropriate, exercise their consular functions in the territory of the receiving State outside of the consular district with the consent of the receiving State. The local authorities concerned shall provide them with the necessary facilities.

*Article 3.* 1. Prior to the appointment of the head of a consular post, the sending State shall, through the diplomatic channel, seek from the receiving State its approval of the appointment.

2. After obtaining such approval, the sending State shall transmit, through its diplomatic mission, to the Ministry of Foreign Affairs of the receiving State a consular commission indicating the full name of the head of the consular post, his nationality, rank and consular district, and the seat of the consular post.

3. After it has received the consular commission of the head of the consular post, the receiving State shall grant an *exequatur* as soon as possible and free of charge.

4. The head of the consular post shall be entitled to exercise his functions once the *exequatur* has been granted by the receiving State.

*Article 4.* 1. The sending State shall give prior notice in writing to the Ministry of Foreign Affairs of the receiving State of the full names, nationalities, ranks and official duties of consular officers other than the head of the consular post.

2. The receiving State shall issue free of charge to all members of the consular post, members of their families and members of the private staff, provided that they are not permanent residents or nationals of the receiving State, a document attesting to their status and serving for them as a residence permit. This document shall entitle them to freedom of movement, subject to the provisions of article 28 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 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 change affecting their status that may occur in the course of their service with the consular post;
- (b) The arrival and final departure of any 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 or final departure of members of the private staff and, where appropriate, the termination of their services as such;
- (d) The engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.

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

*Article 6.* Consular officers shall be nationals of the sending State and may not be nationals of the receiving State. They may not be permanently resident in the receiving State.

*Article 7.* 1. The receiving State may at any time inform 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 either the person concerned or terminate his functions with the consular post.

2. If the sending State refuses or fails within a reasonable period of time to carry out its obligations under paragraph 1 of this article, the receiving State may,

as the case may be, withdraw the exequatur from the person concerned or cease to consider him as a member of the consular staff.

3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the territory of the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.

4. In the cases mentioned in paragraphs 1 and 3 of this article, the receiving State is not obliged to give to the sending State reasons for its decision.

*Article 8.* The receiving State shall ensure the protection of consular officers and shall take the necessary steps so that they may exercise their functions and enjoy the rights, privileges and immunities provided for under this Convention.

*Article 9.* 1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post or, if he is unable to do so, by any competent authority of the sending State, to the Ministry of Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When in the circumstances referred to in paragraph 1 of this article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as acting head of posts, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

*Article 10.* 1. The provisions of the present Convention shall apply in the case of each State to consular posts which are or will be established in the other State.

They shall apply also, in 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 of Foreign Affairs of the receiving State or to the authority designated by that Ministry.

In the exercise of consular functions, the diplomatic mission may address:

— The local authorities of the consular district;

— The central authorities of the receiving State if this is allowed by the laws and usages of the receiving State or by relevant international agreements.

The aforementioned privileges and immunities of the members of a diplomatic mission shall continue to be governed by the rules of international law concerning diplomatic relations.

*Article 11.* 1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary to its consular post or assist the latter in obtaining accommodation in some other way.

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

3. In the event of the construction of consular buildings, nothing in this article shall exempt the sending State from the obligation to comply with the laws and regulations relating to construction and town planning applicable in the locality in which the buildings are situated.

### CHAPTER III. PRIVILEGES AND IMMUNITIES

*Article 12.* 1. The national coat of arms of the sending State bearing the name of the consular post in the languages of the sending State and of the receiving State may be displayed on the building of the consular post.

2. The national flag of the sending State may be flown on the building of the consular post and on the residence of the head of the consular post.

3. The national flag of the sending State may be flown on the means of transport of the head of the consular post when used on official business.

4. 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 13.* 1. Consular premises and the residence of the head of the consular post shall be inviolable.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State.

3. 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.

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for the purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

*Article 14.* 1. The Consular archives and documents shall be inviolable at all times and wherever they may be.

2. Documents concerning matters unrelated to the consular business shall not be kept in the consular archives.

*Article 15.* 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 or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the 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 or articles referred to in paragraph 4 of this article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State, he shall be neither a national of the receiving State nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this article shall also apply except that the immunities mentioned therein shall cease to apply when such courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the 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.

*Article 16.* 1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this article shall not, however, apply in respect of a civil action either:

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

*Article 17.* 1. Consular officers shall not be liable to arrest or detention pending trial except in the case of a grave crime 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 liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceeding shall be conducted with the respect due him by reason of his official position and, except in the case specified in paragraph 1 of this article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this article, it has become necessary to detain a consular officer the proceedings against him shall be instituted with a minimum of delay.

4. In the event of the arrest or detention pending trial of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

*Article 18.* 1. Members of a consular post may be called upon to appear as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If a consular officer declines to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interfering 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.

3. Members of a consular post 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 national law of the sending State.

*Article 19.* 1. The sending State may at any time waive the privileges and immunities or the personal inviolability of the individuals mentioned in articles 16, 17 and 18 of this Convention.

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

3. If a consular officer or a consular employee institutes proceedings in a matter in which he enjoys immunity from jurisdiction under article 16 of this Convention, he may not invoke immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity



from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

*Article 20.* The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

*Article 21.* 1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws of the receiving State with regard to the registration of alien and residence permits.

2. The provisions of paragraph 1 of this article shall not, however, apply to a consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

3. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws of the receiving State concerning the employment of foreign labour.

4. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 3 of this article.

*Article 22.* 1. The receiving State shall exempt the sending State from national, regional and municipal taxes and any similar taxes on:

- (a) The site, buildings or parts of buildings used exclusively for consular business and the residence of the head of the consular post, if these properties are owned by the sending State or have been rented on behalf of the sending State or by any other individual or body corporate acting on behalf of that State;
- (b) Transactions or instruments concerning the acquisition of the immovable property referred to in paragraph (a);
- (c) Ownership of movable property which is used for the business of the consular service.

2. The provisions of paragraph 1 (a) of this article shall not apply in respect of charges levied for specific services rendered.

3. The exemption from taxation referred to in paragraph 1 of this article shall not apply to dues, taxes and other charges payable by individuals who have contracted with the sending State or with a person acting on its behalf.

*Article 23.* 1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) Dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of article 22;

- (c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of article 24;
- (d) Dues or taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) Charges levied for specific services rendered;
- (f) Registration, court or record fees, and mortgage and stamp duties, subject to the provisions of article 22.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

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

*Article 24.* 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, 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 25.* 1. The receiving State shall in accordance with the procedure provided for by its laws permit the entry of and grant exemption from all customs duties taxes and related charges other than charges for storage, cartage and similar services, on:

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

2. Consular employees shall benefit from the privileges and exemptions mentioned 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 subparagraph (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 26.* Members of the consular post who are nationals of or permanently resident in the receiving State shall not enjoy the privileges and immunities provided for in this Convention, except as provided in article 18, paragraph 3.

The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

*Article 27.* Family members of a member of the consular post who is a national of or permanently resident in the receiving State, and family members of a member of the consular post or members of the private staff who are themselves nationals of or permanently resident in the receiving State or are gainfully employed there shall not enjoy any privilege or immunity.

The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

*Article 28.* 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 receiving State shall ensure freedom of movement to members of the consular post in the performance of their consular functions.

*Article 29.* 1. Without prejudice to their privileges, immunities and personal inviolability it is the duty of all persons enjoying such privileges, immunities and personal inviolability under this Convention to respect the laws of the receiving State, including those concerning insurance and vehicular traffic. They also have a duty not to interfere in the internal affairs of the State.

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

#### CHAPTER IV. CONSULAR FUNCTIONS

*Article 30.* 1. A consular officer shall have the right to exercise the functions referred to in this chapter. Moreover, he may exercise other consular functions which are not in violation of the laws of the receiving State.

2. In the exercise of his functions, the consular officer may address:

- (a) The competent local authorities in his consular district;
- (b) The central authorities, in so far as this is permitted under the laws of the receiving State.

3. The consular officer may exercise his functions only within his consular district. Outside the consular district, he may exercise his functions only with the consent of the receiving State.

4. The consular officer may levy in the territory of the receiving State, the duties or charges prescribed by the laws of the sending State for the performance of consular functions. The sums collected shall not be subject to any dues or taxes in the receiving State.

*Article 31.* 1. Members of the consular post shall have the right to communicate with the nationals of the sending State, to meet with them within the consular district, including aboard vessels flying the flag of the sending State and aircraft registered in that State, to assist them in their relations with the authorities

of the receiving State and in matters dealt with by those authorities and, where necessary, to arrange for them to be assisted by a lawyer having the nationality of the sending State or of the receiving State and, if deemed necessary by both States, by any other qualified person, including an interpreter.

2. The receiving State shall not impose any restrictions on the relations of nationals of the sending State with the consular post or on their access to that post.

3. The provisions of paragraphs 1 and 2 of this article shall apply to crew members, irrespective of their nationality, of vessels flying the flag of the sending State or of aircraft registered in that State.

*Article 32.* Within the bounds of the consular district, the consular officer shall be entitled to:

- (a) Protect the rights and interests of the sending State and those of its nationals, including bodies corporate;
- (b) Contribute to the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State, and otherwise generally to promote the development of friendly relations between the sending State and the receiving State;
- (c) Ascertain by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, and to report thereon to the Government of the sending State and to provide information to interested persons.

*Article 33.* 1. The consular officer shall have the right:

- (a) To receive all the necessary declarations relating to nationality in accordance with the laws of the sending State;
- (b) To keep a register of the nationals of the sending State who reside in the territory of the receiving State.

2. To the extent that he is so authorized by the laws of the sending State, the consular officer shall be entitled to exercise the functions of civil registrar, including:

- (a) Issuing birth and death certificates for nationals of the sending State;
- (b) Solemnizing marriages when the intended spouses are both nationals of the sending State;
- (c) Registering the dissolution of a marriage when it has been decided in accordance with the laws of the sending State.

3. Nothing in paragraph 2 of this article shall release the interested parties from the obligation to make the declarations required under the laws of the receiving State.

*Article 34.* The consular officer shall have the right to issue, renew and withdraw passports, entry, exit and transit visas and other similar documents, to extend the period for which they are valid and to modify them.

*Article 35.* 1. The consular officer shall have the right to exercise the following functions at the consular post, at his residence, at the residence of a national of the sending State or on board a vessel of the sending State:

- (a) Drawing up and authenticating instruments and contracts between nationals of the sending State, in so far as these instruments and contracts are not in violation of the laws of the receiving State and do not deal with the establishment or the transfer of rights in respect of immovable property situated in that State;
- (b) Drawing up and authenticating instruments and contracts between nationals of the sending State, on the one hand, and nationals of other States, on the other hand, in so far as these instruments and contracts relate solely to property situated in or rights existing in the sending State or concern matters to be dealt with in that State, provided that such instruments and contracts are not in violation of the laws of the receiving State.

2. The consular officer shall have the right:

- (a) To receive and certify all declarations by nationals of the sending State;
- (b) To translate any instruments and documents and to certify such translations;
- (c) To authenticate signatures of nationals of the sending State;
- (d) To legalize documents and to certify copies of the documents;
- (e) To draw up, certify and accept for safe keeping wills and other documents, and declarations of nationals of the sending State.

3. The authorities of the receiving State shall recognize the authenticity of the instruments and documents referred to in paragraphs 1 and 2 of this article, issued or certified by the consular officer and bearing the official seal, and of the copies, extracts or translations of such instruments and documents bearing the official seal, should such instruments and documents be required for use in the receiving State, in so far as this is in accordance with the laws of the receiving State.

4. The instruments, documents, copies, translations or extracts referred to in paragraph 3 of this article shall be legalized before being presented to the authorities of the receiving State, if that formality is required under the legislation of that State.

*Article 36.* Subject to the provisions of the laws of the receiving State, the consular officer may represent before the authorities of that State the nationals of the sending State when, because of absence or any other valid reason, those nationals are unable at the proper time to assume the defence of their rights and interests.

*Article 37.* The competent authorities of the receiving State shall inform the consular officer without delay of the death of a national of the sending State, when they have been apprised thereof.

*Article 38.* 1. In so far as they are apprised thereof, the competent authorities of the receiving State shall inform the consular officer of the initiation of succession proceedings in the receiving State when the heir, other rightful claimant, or legatee is a national of the sending State, and is not permanently resident in the receiving State and has no representative there.

2. The consular officer may:

- (a) Request the competent authorities of the receiving State to take measures for the protection and administration of the estate left in that State to a national of

the sending State and to inform the consular officer of such measures in the event that they have already been taken by the competent authorities;

- (b) Assist either directly or through an agent in the implementation of the measures referred to in paragraph (a).

3. If, after the completion of the formalities relating to succession in the receiving State, the movable property constituting the estate or the proceeds of the sale of movable or immovable property are left to an heir, other rightful claimant or legatee who is a national of the sending State, and who is neither resident in the receiving State nor represented there by an attorney, such property or the proceeds of its sale shall be delivered to the consular post of the sending State, provided that:

- (a) The competent authorities of the receiving State have, as appropriate, authorized the delivery of the estate or the proceeds of its sale;
- (b) Any claims on the estate presented in the period prescribed by the laws of the receiving State have been paid or secured;
- (c) The estate duties have been paid or secured;
- (d) The status of the persons concerned as heirs, rightful claimants or legatees has been proven.

4. When a national of the sending State who is not permanently resident in the receiving State dies while travelling in the territory of the latter State, any articles, monies and assets in his possession to which claim has not been made by an heir who is present shall, without any other formalities, be delivered provisionally to the consular post of the sending State, for safe keeping subject to the right of the administrative or judicial authorities of the receiving State to impound them in the interest of justice.

The consular post shall have these personal effects and monies delivered to any authority of the receiving State which shall be appointed to ensure their administration or liquidation. It shall respect the laws of the receiving State with regard to the exportation of personal effects and the transfer of monies.

*Article 39.* The authorities of the receiving State shall inform the competent consular officer of any case of which they have knowledge where the appointment of a guardian or trustee appears to be in the interests of a national of the sending State.

The consular officer shall have the right to address the competent authorities of the receiving State in respect of the appointment of guardians or trustees and to propose candidates for the exercise of these functions.

*Article 40.* 1. The competent authorities of the receiving State shall notify the consular post of the sending State of any cases of arrest, detention or any other form of deprivation of personal freedom of a national of the sending State. Such notification shall be given as soon as possible and in any case within 10 days from the date on which said measure has been taken.

The competent authorities of the receiving State shall transmit without delay any communication that the person concerned addresses to the consular post.

2. A consular officer shall have the right to visit a national of the receiving State who is incarcerated, under detention pending trial or under any other form of detention to converse and correspond with him and to arrange for his legal

representation. He shall also have the right to visit a national of the sending State who is incarcerated or detained in his consular district pursuant to a judgement.

3. A consular officer shall have the right to attend court hearings concerning a national of the sending State in the receiving State in accordance with the laws of that State.

4. The competent authorities of the receiving State shall inform any persons to whom the provisions of this article apply of all their rights under these provisions.

5. The rights laid down in this article shall be exercised in accordance with the laws of the receiving State except where those laws prohibit the exercise of such rights.

*Article 41.* A consular officer shall have the right to render assistance to vessels of the sending State, and to their crews, during their stay in the territorial sea or internal waters of the receiving State as soon as these vessels have been cleared for free contacts with the shore. This provision shall apply within bounds of the consular district, except as provided in paragraph 6 of article 2. The consular officer shall have the right to take statements regarding the voyage of such vessels, to examine and stamp the ship's papers and, without prejudice to the powers of the authorities of the receiving State, to investigate any incidents which occurred during the voyage and to settle, provided that the laws of the sending State so permit, disputes of any kind between the master, the officers and the other crew members.

*Article 42.* The consular officer shall be entitled to exercise the rights of control and inspection provided for under the laws of the sending State in respect of vessels having the nationality of this State and their crews.

*Article 43.* 1. Where the competent authorities of the receiving State intend to take coercive measures on board a vessel of the sending State which is in the territorial sea or internal waters of the receiving State, the consular post shall be notified in advance by the competent authorities of the receiving State in order that a consular officer may be present. Where the consular officer or his representative has not been present at the proceedings, he shall be entitled, on application to the authorities in question, to receive full information regarding what has taken place. This provision shall apply within the bounds of the consular district, except as provided in paragraph 6 of article 2.

The provisions of the previous paragraph shall also apply where the master or any member of the crew of the vessel are to be interrogated by the above-mentioned authorities.

2. Paragraph 1 of this article shall not apply to customs, health and passport controls.

*Article 44.* 1. If a vessel of the sending State is wrecked, runs aground or otherwise sustains damage in the receiving State, the competent authorities of that State shall notify the consular post as soon as possible and inform it of the measures taken for the preservation of passengers, of the vessel and of the cargo.

A consular officer may render every assistance to the vessel, members of the crew and the passengers and may take measures for the safe custody of the cargo

and the repair of the vessel. He may also request the authorities of the receiving State to take such measures.

This provision shall apply within the bounds of the consular district, except as provided in paragraph 6 of article 2.

2. If neither the owner of the vessel, its master or any other accredited person is in a position to make the necessary arrangements for the custody or disposal of the vessel or its cargo, the consular officer may, on behalf of the owner of the vessel, make all necessary arrangements which the owner could have taken to that end.

3. The provisions of paragraph 2 of this article shall also apply to articles, being the property of a national of the sending State, from the cargo of a vessel of the sending State or a third State, which are found off or near the coast of the receiving State or are brought into a port within the consular district.

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

5. A damaged vessel, its cargo and its supplies shall be exempt from customs duties in the territory of the receiving State, provided that they are not left for use in that State.

*Article 45.* 1. A consular officer shall be entitled to exercise the rights of inspection and control provided for under the laws of the sending State in respect of aircraft of that State and their crews, and to render assistance to them, except where prohibited by the laws of the receiving State. This provision shall apply within the bounds of the consular district, except as provided in paragraph 6 of article 2.

2. If an aircraft of the sending State suffers an accident in the territory of the receiving State, the competent authorities of the latter State shall inform without delay the consular post nearest to the scene of the accident.

#### CHAPTER V. FINAL PROVISIONS

*Article 46.* Any dispute between the two High Contracting Parties concerning the application or interpretation of this Convention shall be settled through the diplomatic channel.

*Article 47.* 1. This Convention shall be ratified.

It shall enter into force on the first day of the second month after the exchange of instruments of ratification, which shall take place at Hanoi as soon as possible.

2. This Convention shall remain in force indefinitely.

It may be denounced at any time, by means of written notification, by either of the High Contracting Parties. In such case, it shall cease to have effect six months from the date of reception of the notification of the denunciation by 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 Paris on 21 December 1981, in duplicate in the French and Vietnamese languages, both texts being equally authentic.

For the President  
of the French Republic:

[JEAN MEADMORE]

For the President  
of the Council of State  
of the Socialist Republic  
of Viet Nam:

[MAI VAN BO]

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