

N° 3917.

FRANCE ET LETTONIE

Convention consulaire. Signée à
Riga, le 20 janvier 1930.

FRANCE AND LATVIA

Consular Convention. Signed at
Riga, January 20th, 1930.

¹ TRADUCTION. — TRANSLATION.

No. 3917. — CONSULAR CONVENTION ² BETWEEN FRANCE AND
LATVIA. SIGNED AT RIGA, JANUARY 20TH, 1930.

French official text communicated by the Latvian Minister for Foreign Affairs. The registration of this Convention took place June 19th, 1936.

THE GOVERNMENT OF THE REPUBLIC OF LATVIA and THE GOVERNMENT OF THE FRENCH REPUBLIC, recognising the desirability of determining the reciprocal rights, immunities and privileges of Consuls, and having agreed to conclude a Consular Convention, have appointed for that purpose as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF LATVIA :

His Excellency Monsieur A. BALODIS, Minister for Foreign Affairs ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

His Excellency Monsieur O. DE CASTILLON SAINT-VICTOR, Envoy Extraordinary and Minister Plenipotentiary at Riga, Officer of the Legion of Honour, Grand Cross of the Order of the Three Stars ;

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions :

Article 1.

Each of the High Contracting Parties shall be entitled to establish Consulates-General, Consulates, Vice-Consulates and Consular Agencies on the territory of the other Party. They nevertheless reserve the right to designate the places which they may deem it desirable to except, provided that the said reservation shall apply equally to all Powers.

Heads of Consulates-General, Consulates, Vice-Consulates and Consular Agencies shall be admitted and recognised according to the rules and formalities established in the country in which they reside, on presentation of their credentials. The exequatur necessary to enable the said Agents freely to discharge their duties shall be issued to them without delay and without charge.

The Government of the country in which they reside shall immediately inform the higher authorities in the consular area of the appointment of the Agents in question, which authorities shall, on the strength of such notification or on production of the exequatur, immediately take all necessary steps to enable the Agents to discharge the duties of their office and to give them the benefit of the rights, privileges and immunities granted under the present Convention.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Paris, May 16th, 1936.
Came into force June 16th, 1936.

Article 2.

The Heads of Consulates-General, Consulates and Vice-Consulates may appoint Consular Agents in the towns, ports or localities of their respective consular areas, subject to approval by the Government of the country in which they reside.

Such Consular Agents may be chosen among the citizens of either of the two States or among the citizens of other nations, and shall be provided with authorisation in writing issued by the Consul who has appointed them and under whose orders they are placed. The *exequatur* will be issued to them on production of the said authorisation.

Article 3.

Heads of Consular Offices (Consulates-General, Consulates, Vice-Consulates and Consular Agencies) and Agents of the Consular Service (acting and assistant Consuls, Vice-Consuls, chancellery attachés and secretaries, chief clerks, chancellery assistants, consular attachés and secretaries, interpreters, chancellery clerks), whatever their nationality, shall not be amenable to the jurisdiction of the judicial or administrative authorities of the State in which they reside, in respect of acts done by them within the limits of the powers conferred upon them by the present Convention. Should an Agent put forward this plea before an authority of the State in which he resides, such authority shall not take any decision on the matter, since all difficulties of this character must always be settled through diplomatic channels.

Such Agents shall appear as witnesses when called upon to attend by the authorities of the State in which they reside, but without any threat of penalties in the event of non-appearance. Nevertheless, the Head of the Consular Office may, if necessary, adduce the fact that he is prevented from appearing by the requirements of his service as a legitimate reason for postponing his attendance to a later, but not very distant, date. The same shall apply to Agents of the Consular Service if the postponement of their attendance, under the same conditions, is requested by the Head of the Consular Office for the same reasons.

Such Agents may refuse to give evidence or to produce documents in their possession : (a) in the cases provided for by local legislation, or (b) on the ground that they would be guilty of a violation of professional or State secrecy. Should the judicial or administrative authority consider that the latter excuse or plea (b) is not warranted, it shall refrain from employing any measures of constraint against the Agent, since difficulties of this kind must always be settled through diplomatic channels.

Such Agents shall be exempt from any military requisition in respect of the premises used for their chancellery and archives.

Article 4.

In addition to the privileges and immunities mentioned in Article 3, Heads of Consulates and Agents of the Consular Service, when citizens of the State which has appointed them, shall be exempt from : (a) any military requisition, whether personal or in respect of movable or immovable property for their personal use ; (b) from direct imposts on movable property in the nature of a personal tax, imposed by any authority of the State in question.

If, however, such Agents are in possession of immovable property or transferable securities, engage in commerce or carry on any industry or profession, or have capital invested in industrial or commercial undertakings, they are not entitled to claim any privilege in respect of these activities, and shall be subject to the same dues, charges and taxes as any other private persons under the same conditions, subject to the provisions of the preceding paragraph.

Such Agents may not be subjected to preventive detention except for offences which, under the local legislation, are punishable with imprisonment for not less than one year. In the case of arrest or prosecution, the Government of the State in which they reside shall as soon as possible advise the diplomatic representative under whose authority the above-mentioned officials are placed.

They shall be immune from arrest both in civil matters and in connection with isolated commercial acts (such as signing or endorsing a bill of exchange), and if they are engaged in commerce, they may only be arrested for acts exclusively connected with their business, and not for civil matters.

Article 5.

Heads of Consular Offices and Agents of the Consular Service of the two High Contracting Parties shall be entitled to place above the outer door of the consular building the coat-of-arms of their nation with the inscription :

Consulate-General, Consulate, Vice-Consulate or Consular Agent of...

They may also fly the flag of their country on the consular building on days of public solemnities, and on other customary occasions ; it being understood that these external signs shall never be interpreted as constituting a right of asylum.

They may, under the same conditions and subject to the reservations made in the preceding paragraph in respect of the right of asylum, fly the flag of their nation on any vessel which they may use in a port for the purpose of carrying out their duties.

Article 6.

Consular archives shall at all times be inviolable, and the local authorities may not, under any pretext, examine or seize any papers, documents or files forming part thereof. These papers, documents and files shall always be kept completely separate from books, papers and documents of a personal character or relating to the commerce or industry in which the respective consular officials may be engaged.

If a Head of a Consular Office or an Agent of the Consular Service of one of the two High Contracting Parties, who is called upon by the local judicial or administrative authorities to hand over or to produce papers, documents, or files kept in his archives, refuses to do so, the judicial or administrative authority shall refrain from employing any measure of constraint, all difficulties of this nature having to be settled through diplomatic channels.

Article 7.

Should the Head of a Consulate-General, Consulate, Vice-Consulate or Consular Agency be absent or die or be prevented for any reason from exercising his functions, the Agents appointed either under the regulations of the State which established the post or by the competent authority of that State, shall be admitted as of full right to discharge the duties of Head of a Consular Office *ad interim*.

The local authorities, when duly notified, shall render them assistance and protection and shall accord them during their temporary conduct of business the benefit of the exemptions, prerogatives immunities and privileges reciprocally conferred upon titular Consuls by the present Convention. The local authorities must also give all facilities that may be required to the interim Agents that Consuls-General, Consuls, or Vice-Consuls may designate to replace temporarily Consular Agents who have resigned or died.

The terms Head of a Consular Office, Consul-General, Consul, Vice-Consul and Consular Agent used in the present Convention shall be held to mean titular or *ad interim* Heads of Offices.

Article 8.

Subject to the privileges and immunities mentioned in the preceding Articles, Heads of Consular Offices and Agents of the Consular Service shall be amenable to the same treatment as nationals of the State to which they belong.

Article 9.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be entitled to protect the nationals of the State which has appointed them and to defend, in accordance with international law and usage, all the rights and interests of such nationals.

To this end they may address themselves to any authority in their area for the purpose of protesting against any breach of treaties or conventions existing between the two countries, or any abuse of which their nationals may have to complain. Should their protests not be heeded by such authorities, they may apply direct to the Government of the State in which they reside, but only in the absence of any diplomatic representative of their own country.

Article 10.

Diplomatic Agents, Consuls-General, Consuls, Vice-Consuls, and Consular Agents may receive in their offices declarations of births and deaths of their nationals, but the persons concerned must make the declarations required by the laws of the country.

They may also celebrate civil marriages of their nationals. Such marriages shall have the same validity in the country of residence as if they had been celebrated before the local authorities. The Diplomatic or Consular Agent who has celebrated the marriage shall forward a certified copy of the document attesting such a marriage to the competent local authority, who shall register it free of charge.

Article 11.

On the death of a national of either of the contracting States in the territory of the other, the local authority shall immediately advise the Consul-General, Consul, Vice-Consul or Consular Agent in whose area the death takes place and forward to him as soon as possible, without charge, a copy of the death certificate.

Consuls-General, Consuls, Vice-Consuls and Consular Agents must, on their side, notify the territorial authority of deaths of their nationals if they are informed first of such decease.

Article 12.

Should a Latvian national leave property in France or a French national leave property in Latvia and should the heirs, or some of them, be unknown or absent, Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be entitled to demand that seals be affixed to the effects, papers and other movable property of the deceased and to be present when this formality is carried out. They shall take steps to ensure that the competent authorities make investigations for the purpose of discovering whether a will exists, and shall receive communication of all information and documents which may enable them to ascertain the heirs. They may further, should they think it desirable, demand the appointment by the competent local authorities of an administrator or curator of the estate, who shall be chosen at their suggestion from among the persons designated by law or custom to carry out such duties.

The administrator or curator shall, whenever he is called upon to do so, communicate to the Consul-General, Consul, Vice-Consul or Consular Agent all information connected with the winding up of the estate.

Once it is ascertained that none of the heirs are of the nationality of the State which appointed the Consular Agent, or that all the heirs are present or represented, the consular authorities shall no longer be entitled to intervene.

Article 13.

Should a Latvian national leave property in France or a French national leave property in Latvia and the local authority estimate the value of such property as being less than :

in Latvia Ls 100,
in France 500 francs,

the Consul-General, Consul, Vice-Consul or Consular Agent may demand that such property be handed over to him. He shall be solely responsible for the winding up of the estate, but may not send the proceeds out of the territory of the State of residence until the debts and all charges due have been paid.

Article 14.

Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two High Contracting Parties shall have the right to receive in their offices, or at the place of residence of the parties concerned, or on board merchant vessels and warships of the State which has appointed them, any statements which may have to be made by captains, members of the crew, passengers, traders or any other nationals of their country.

They shall also be authorised to receive, as notaries, testamentary dispositions and marriage contracts of their nationals.

They may also receive in their offices, as notaries, any document, provided that such act does not refer to property, transactions or claims in the territory of the country in which they reside.

Copies or extracts of documents drawn up in virtue of the preceding paragraphs shall, when duly certified by the said Agents and sealed with the seal of the consular office, possess the same force both in courts of law and elsewhere, in France and in Latvia, as the originals, and shall have the same authenticity and value as evidence as if they had been done by a notary or other public official of either country, provided that such acts have been drawn up in the form prescribed by the laws of the State which has appointed such Agents, and fulfil all the requirements as regards stamping, registration and other formalities in the country where the act is to become operative.

Should any doubt arise concerning the authenticity of copies or extracts of acts drawn up in the chancellery of one of the Consulates, the consular authority may not refuse to compare the copy with the original at the request of the party concerned, and such party shall be entitled to be present, if he so desire, when the comparison is made.

Article 15.

Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two High Contracting Parties may translate and legalise any kind of document emanating from authorities or officials of the State which appointed them, or from authorities or officials of other States, but in the latter case only if the said documents concern their nationals.

Translations made by them shall have the same force and the same authority in the country in which they reside as if they had been drawn up by sworn translators of that State.

The said Consular Agents may also legalise the signature of their nationals.

Article 16.

Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two High Contracting Parties may notify the competent authority of the State in which they reside of the desirability of providing for guardianship of nationals of their country who are under age, it being understood that the said authority shall be the sole judge as to the decision to be taken.

Article 17.

The judicial and administrative authorities of the State in which they reside shall be entitled to request Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two High Contracting Parties to act as interpreters or to designate an interpreter to assist their nationals.

Article 18.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may issue passports and other personal documents to their nationals and visa all passports and other documents. These passports and documents may be used before the local authorities to the extent allowed by custom, by law or by regulation in the State in which they reside.

Article 19.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may, without resort to coercion, enlist any of their nationals who voluntarily submit to the formality of recruiting.

Article 20.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may receive for safe custody sums of money, documents and articles of any kind which may be handed over to them by their nationals.

Article, etc., so deposited shall not enjoy the privileges provided for in Article 6 for consular archives.

These Agents may, on the occasion of any act performed by them in the exercise of their duties, levy any consular fee or charge prescribed by the law of the State which has appointed them.

Article 21.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two States shall be exclusively responsible for the taking of inventories and other operations carried out with a view to the conservation of property or articles of any kind left by members of the crew and passengers who are nationals of the State which appointed the said Agents, and who have died during the voyage, or in the port of arrival, either on land or on board a vessel of the same State.

Salaries, pay, securities and articles belonging to members of the crew or passengers who are nationals of one of the High Contracting Parties and who have died on board a vessel of the other Party shall be handed over in the port of arrival to the competent authority of the country of the deceased, or to the Consul-General, Consul, Vice-Consul or Consular Agent of his country.

Article 22.

Consuls-General, Consuls, Vice-Consuls or Consular Agents may proceed in person or send deputies on board vessels of their country, after the latter have been admitted to pratique, interrogate the captains and members of the crews, examine the ship's papers, receive statements concerning the voyage, the destination of the vessel and the events of the voyage, draw up manifests and facilitate the clearance of such vessels.

Judicial and administrative officials and Customs officers and agents of the country may not, in ports where there is a resident Consul-General, Consul, Vice-Consul or Consular Agent of one of the two States, carry out on board arrests (except in cases of *flagrante delicto*), investigations or searches, other than the ordinary Customs and health examinations, without notifying previously or in urgent cases at the moment of the search, the Consular Agent of the nation to which the vessel belongs, in order that he may be present at the time of the investigation. They must also give due notice to the Consul or Consular Agent so that he may be present at any statements which the captains and crews may have to make before the courts or the administration of the other country.

The notice given in these cases to the Consuls-General, Consuls, Vice-Consuls and Consular Agents shall specify a definite hour, and should the above-mentioned Agents not attend in person, or be represented by a deputy, the procedure shall continue in their absence.

Article 23.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be solely responsible for the maintenance of internal order on board merchant vessels of the State which appointed them ; they shall themselves settle disputes of all kinds which may arise between the captain, the officers and the members of the crew of such vessels, and especially disputes relating to pay or the execution of existing reciprocal contracts.

The local authorities shall not be entitled to intervene except in the event of disturbances occurring on board ship of such a nature as to disturb public peace and order ashore or in the harbour, or where a national of the country or a person not forming part of the crew is involved.

In all other cases of disturbances on board, the above-mentioned authorities shall limit their action to assisting the Consuls-General, Consuls, Vice-Consuls or Consular Agents, if the latter so request, in order to facilitate the carrying out of their duties and in particular for the purpose of arresting and taking in to custody any person on the ship's books, should the said Agents consider such action necessary and the person concerned not be a national of the country.

Article 24.

Consuls-General, Consuls, Vice-Consuls or Consular Agents may cause to be arrested and sent back either to their ships, or to their own country, seamen or other persons, who are members in any capacity of the crews of warships or merchant vessels of the State which appointed the said Agents, who have deserted on the territory of one of the High Contracting Parties.

For this purpose they must apply in writing to the competent local authorities, and show proof by submission of the ship's log or the muster-roll of the crew, or by production of a certified extract therefrom, that the persons claimed really are members of the crew.

On receipt of such a request, duly authenticated, the handing over of the deserters may not be refused.

The said consular officials shall further be given every help and assistance in the seeking out and arresting of such deserters, who shall be taken to the prisons of the country and detained there on a written application and at the expense of the consular authority until they are taken back on board, or until there is an opportunity of repatriating them. Should, however, such an opportunity not occur within two months from the date of arrest, or should the expense of detaining them not be paid regularly on notice given three days beforehand to the consular official, the said deserters shall be released and may not be re-arrested on the same charge.

Should the deserter have committed an offence on shore, the local authorities may defer handing him over until such time as the court has passed sentence and the said sentence has been fully and completely carried out.

The High Contracting Parties agree that the provisions of the present Article shall not apply to seamen or other members of the crew who are nationals of the country in which they have deserted.

Article 25.

Whenever there are no agreements to the contrary between shipowners, shippers and underwriters, damage which vessels of the two countries may have suffered at sea, whether they enter the ports of the countries voluntarily or under stress of weather, shall be made good by the Consuls-General, Consuls, Vice-Consuls or Consular Agents of their nation, unless nationals of the State in which the said Agents reside and nationals of a third State are concerned with the said damage. In such case, and failing friendly agreement between all the parties concerned, such questions shall be settled by the local authorities.

Article 26.

Should a vessel belonging to the Government or to nationals of one of the two States be wrecked or stranded on the coast of the other, the local authorities shall immediately notify the nearest Consul-General, Consul, Vice-Consul or Consular Agent.

All operations connected with the salvage of vessels of one of the two States that may have been wrecked or stranded in the territorial waters of the other State shall be carried out under the direction of the Consuls-General, Consuls, Vice-Consuls or Consular Agents of the country concerned.

The local authorities in the two States shall not intervene except to assist the above-mentioned Agents, to maintain order, to safeguard the interests of salvors not belonging to the crew and to ensure the execution of the regulations to be observed with regard to the import and export of goods.

In the absence and pending the arrival of the Consuls-General, Consuls, Vice-Consuls and Consular Agents or of their deputies, the local authorities shall take all necessary steps for the protection of persons and the conservation of property saved from the wreck.

No charges of any kind shall be made in respect of the intervention of the local authorities in these various cases, except such as are necessitated by the salvage operations and the conservation of the salvaged property, and such as national vessels or vessels of the most-favoured nation would be required to pay in similar circumstances.

In case of doubt as to the nationality of wrecked vessels, the local authority shall alone be competent to carry out the duties mentioned in this Article.

Salvaged goods and effects shall not be liable for any Customs duties, unless they are consumed in the country.

Article 27.

It is further agreed that Heads of Consular Offices and Agents of the Consular Service of either State shall, subject to reciprocity, enjoy in the other State all privileges and immunities which are or may hereafter be granted to officials of the same class belonging to the most-favoured nation.

Article 28.

The present Convention shall be ratified.

It shall come into force one month after the exchange of ratifications.

It shall cease to have effect on the expiration of a period of six months dating from the notice of denunciation given by either of the Contracting Parties.

In faith whereof the undersigned, duly authorised for the purpose, have signed the present Convention and have thereto affixed their seals.

Done at Riga, this 20th day of January, one thousand nine hundred and thirty.

(L. S.) (*Signed*) A. BALODIS.

(L. S.) (*Signed*) CASTILLON ST. VICTOR.