

N° 444.

AUTRICHE ET PAYS-BAS

**Convention concernant l'admission
des fonctionnaires consulaires
autrichiens dans les colonies néer-
landaises, signée à La Haye le 6
novembre 1922.**

AUSTRIA AND THE NETHERLANDS

**Convention concerning the admission
of Austrian consular officials to
the Netherlands Colonies, signed
at The Hague, November 6, 1922.**

¹ TRADUCTION. — TRANSLATION.

No. 444. — CONVENTION ¹ BETWEEN AUSTRIA AND THE NETHERLANDS CONCERNING THE ADMISSION OF AUSTRIAN CONSULAR OFFICIALS TO THE NETHERLANDS COLONIES, SIGNED AT THE HAGUE, NOVEMBER 6, 1922.

French official text communicated by the Netherlands Minister at Berne. The registration of this Convention took place June 22, 1923.

HER MAJESTY THE QUEEN OF THE NETHERLANDS, being desirous of ensuring the most ample development of the commercial relations between the KINGDOM OF THE NETHERLANDS and the REPUBLIC OF AUSTRIA, and desirous of meeting the wishes of the AUSTRIAN FEDERAL GOVERNMENT, has consented to admit Austrian Consular officials to all the principal ports of the Netherlands Colonies, provided, however, that this concession shall form the subject of a special convention which shall establish clearly and precisely the rights, duties and immunities of these Consular officials in the said Colonies.

For this purpose HER MAJESTY THE QUEEN OF THE NETHERLANDS has appointed :

His Excellency Jonkheer H. A. VAN KARNEBEEK, Minister for Foreign Affairs of the Netherlands,

and the PRESIDENT OF THE AUSTRIAN REPUBLIC has appointed :

His Excellency F. CALICE, Austrian Minister at The Hague,

who, having been duly authorised for this purpose, have agreed upon the following Articles :

Article 1.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of Austria shall be admitted to all the ports of the Netherlands over-seas Possessions and Colonies which are open to the vessels of all nations.

Article 2.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of Austria shall be regarded as commercial Agents entrusted with the duty of protecting commerce carried on by their nationals within their respective Consular districts. They shall reside in the port of the Colony indicated in their commissions, and shall be subject to the civil and penal laws of the Colony, except as regards the special provisions in their favour contained in the present Convention.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at the Hague, February 27, 1923.

Article 3.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of Austria may only enter on their duties and enjoy their Consular immunities after they have submitted to the Government of Her Majesty the Queen of the Netherlands a commission which must indicate their Consular district and their place of residence.

As soon as the Government of the Colony shall have countersigned their exequaturs the said Consular officials of all ranks shall be entitled to receive such protection from the Government and such assistance from the local authorities as may be necessary for the free exercise of their duties.

The Government shall reserve the right to withdraw the exequatur, or to have it withdrawn by the Government of the Colony, stating its reasons for taking such action.

Article 4.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of Austria shall be authorised to affix over the door of their residence a shield bearing the arms of their country, and the inscription: "Consulate-General, Consulate, Vice-Consulate, or Consular Agency of Austria."

It is understood that no right of asylum may be claimed in virtue of this external sign, and that the house and the persons residing therein shall not be entitled to exemption from action taken by the local judicial authorities.

Article 5.

It is agreed, however, that archives and documents concerning Consular affairs shall be exempt from all inspection, and that no civil, military, police or judicial authority may inspect them or sequestrate them, nor ascertain their contents for any reason or on any grounds whatsoever.

Article 6.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of Austria shall not possess any diplomatic status.

No request may be addressed to the Netherlands Government otherwise than through the accredited diplomatic Agent at The Hague.

In urgent cases, Consuls-General, Consuls, Vice-Consuls or Consular Agents may communicate direct with the Governor of the Possession or Colony, explaining the urgency of the case, and giving the reason for which the matter in question could not be submitted to their lower officials, or else showing that previous requests submitted to these authorities had proved ineffective.

Article 7.

A passport, delivered or visaed by Consular officials shall not in any way exempt the bearer from the obligation to provide himself with all documents required under local laws or regulations to enable him to travel or settle in the Netherlands Colonies, nor can the possession of such a passport in any way curtail the exercise of the right possessed by the Government of the Colony to prohibit permanent settlement in that Colony or to order any individual to leave the territory even though the latter be provided with a passport.

Article 8.

All operations connected with the salvage of Austrian vessels shipwrecked along the coast of any Netherlands Colony shall be under the direction of the Consuls-General, Consuls, Vice-Consuls or Consular Agents of Austria. The local authorities shall intervene solely with a view to

maintaining order, protecting the interests of the salvagers, if the latter do not belong to the crew of the shipwrecked vessel, and ensuring the execution of such formalities as have to be complied with in connection with salvaged goods entering or leaving the country.

During the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls or Consular Agents, the local authorities shall take all necessary steps to protect the individuals concerned, and to safeguard the goods which have been shipwrecked.

It is agreed, moreover, that no customs duties shall be levied on salvaged goods unless the latter are admitted for internal consumption.

Article 9.

Consuls-General, Consuls, Vice-Consuls or Consular Agents may request the local authorities to assist them in capturing, arresting and imprisoning all deserters from Austrian merchant vessels, in so far as the extradition of deserters from such vessels has been provided for by treaty.

For this purpose they shall apply in writing to the proper local authorities, and if it can be proved from the ship's papers, the roll-call of the crew, or other authentic documents that the individuals claimed were members of the crew in question, they shall be surrendered, except in the case of Netherlands subjects.

The local authorities shall be bound to employ all means at their disposal to capture deserters. The authorities shall place such deserters, after arrest, at the disposal of the Consular authorities and shall detain them at the request and expense of the persons claiming them until the latter shall find an opportunity of re-embarking them on board their vessel or on another vessel of the same country. If, however, such deserters should not be sent back within three months of their capture, they shall be set at liberty, and shall not be liable to further arrest on the same charge.

It is understood, however, that a deserter who has committed any felony, crime or misdemeanour shall not be surrendered until the Colonial or Home Court before which the case has been brought has passed sentence and until such sentence has been carried out.

Article 10.

If an Austrian citizen should die without known heirs or testamentary executors, the Netherlands authorities entrusted with the administration of the succession in accordance with the laws of the Colony shall inform the Consular officials in order that the latter may forward the necessary information to the parties concerned.

Article 11.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of Austria shall alone be competent to maintain order on board merchant vessels of their country, if requested to do so by the Captain or officer acting in his place.

They shall be the sole authorities competent to deal with all disputes which may have arisen at sea, or which may arise in port, between the Captain, officers, and members of the crew even in matters relating to the payment of wages and in questions connected with the fulfilment of mutual contractual obligations.

The Courts and other authorities of the Colony may not, for any reason whatever, take part in these disputes unless they are calculated to disturb public peace and security ashore or in port, or unless persons other than the crew are involved therein.

Article 12.

In so far as Consuls-General, Consuls, Vice-Consuls and Consular Agents of the Netherlands in Austria enjoy the same privileges, on a basis of reciprocity, all Austrian Consuls-General, Consuls, Vice-Consuls and Consular Agents, not carrying on any trade or occupying any public office or exercising any profession in addition to their Consular duties shall be exempt from compulsory billeting, from all personal taxes, and from all general or municipal taxes of a personal character unless the Consular officials in question are Netherlands subjects or were, at the time of their appointment, already resident in the Kingdom of the Netherlands or its Colonies.

Article 13.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of Austria in the Netherlands Colonies shall enjoy all other privileges, exemptions and immunities which may be granted in the future to officials of the same category belonging to the most favoured nation.

Article 14.

The present Convention shall remain in force for a term of five years, dating from the 90th day after the exchange of ratifications.

Unless either of the High Contracting Parties shall notify the other, at least one year before the expiration of this period, of its intention to denounce the present Convention, the latter shall remain in force for one year after the date on which it has been denounced by one of the High Contracting Parties.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at The Hague on November 6, 1922.

(L. S.) v. KARNEBEEK.

(L. S.) CALICE.