

N° 1904.

CHILI ET PAYS-BAS

Convention consulaire. Signée à La
Haye, le 4 novembre 1913.

**CHILE
AND THE NETHERLANDS**

Consular Convention. Signed at
The Hague, November 4, 1913.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 1904. — CONVENIO¹ CONSULAR ENTRE CHILE Y LOS PAISES BAJOS, FIRMADO EN EL HAYA EL 4 DE NOVIEMBRE DE 1913.

Dutch and Spanish official texts communicated by the Netherlands Minister at Berne. The registration of this Convention took place December 28, 1928.

SU MAJESTAD LA REINA DE LOS PAISES BAJOS y EL PRESIDENTE DE LA REPÚBLICA DE CHILE, deseando estrechar los lazos de amistad que existen entre las dos naciones y con el fin de asegurar el desarrollo más amplio de las relaciones comerciales establecidas entre ellas, han acordado celebrar la presente Convención, que determina de manera clara y precisa los derechos, deberes e inmunidades de los funcionarios consulares chilenos en las Colonias Holandesas.

Y al efecto han nombrado sus Plenipotenciarios respectivos :

SU MAJESTAD LA REINA DE LOS PAISES BAJOS :

A Jonkheer J. LOUDON, Su Ministro de Relaciones Exteriores, y

EL PRESIDENTE DE LA REPÚBLICA DE CHILE :

Al Señor don Jorge HUNEEUS, Enviado Extraordinario y Ministro Plenipotenciario en Bélgica y los Países Bajos ;

Quienes, debidamente autorizados al efecto, convinieron en los siguientes artículos :

Artículo 1.

El Gobierno de la República de Chile podrá nombrar, en los términos de esta Convención, Cónsules Generales, Cónsules, Vicecónsules y Agentes Consulares en todos los puertos de las posesiones de ultramar y de las colonias holandesas, abiertos al comercio de todas las naciones.

Artículo 2.

Los Cónsules Generales, Cónsules, Vicecónsules y Agentes Consulares de la República de Chile serán considerados como agentes comerciales encargados de proteger el comercio de sus nacionales en su distrito consular. Residirán en el puerto de la Colonia indicado en su patente y estarán sometidos a las leyes civiles y penales de la Colonia, salvo las excepciones que la presente Convención establece en su favor.

¹ The exchange of ratifications took place at The Hague, September 29, 1928.

¹ TRANSLATION.

No. 1904. — CONSULAR CONVENTION BETWEEN CHILE AND THE NETHERLANDS. SIGNED AT THE HAGUE, NOVEMBER 4, 1913.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and THE PRESIDENT OF THE REPUBLIC OF CHILE, being desirous of strengthening the ties of friendship which exist between the two countries, and of ensuring the most ample development of commercial relations between the Netherlands and Chile, have agreed to conclude this Convention, which establishes clearly and precisely the rights, duties and immunities of Chilean consular officials in the Netherlands colonies.

For this purpose they have appointed as their respective Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer J. LOUDON, Her Minister for Foreign Affairs, and

THE PRESIDENT OF THE REPUBLIC OF CHILE :

M. Jorje HUNEEUS, Envoy Extraordinary and Minister Plenipotentiary of Chile in Belgium and the Netherlands ;

Who, being duly authorised for this purpose, have agreed upon the following Articles :

Article 1.

The Government of the Chilean Republic shall be entitled, under the terms of this Convention, to appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents in all those ports in the Netherlands oversea possessions and colonies which are open to the trade of all nations.

Article 2.

Consuls-general, consuls, vice-consuls and consular agents of the Republic of Chile 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.

Article 3.

The consuls-general, consuls, vice-consuls and consular agents of Chile shall not be entitled to take up their duties and shall not enjoy their consular immunities until the Government of Her Majesty the Queen of the Netherlands has given them the exequatur. The said officials' commissions shall indicate their consular district and their place of residence.

As soon as the Governor of the colony has countersigned the exequatur, the said consular officials 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 functions.

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

The Government reserves the right to withdraw the exequatur, or to have it withdrawn by the Governor of the colony, stating its reasons for taking such action.

Article 4.

The consuls-general, consuls, vice-consuls and consular agents of the Republic of Chile shall be authorised to affix over the door of their residence a shield bearing the arms of the Republic and the inscription "Consulate-general, consulate, vice-consulate, or consular agency of the Republic of Chile".

It is understood that no right of asylum may be claimed by 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 seize them or ascertain their contents, for any reason or on any grounds whatsoever.

Article 6.

Consuls-general, consuls, vice-consuls and consular agents shall not possess any diplomatic status.

No request may be addressed to the Netherlands Government otherwise than through the accredited diplomatic representative at The Hague. In the absence of such representative, consuls-general, consuls, vice-consuls or consular agents may approach the Governor-General or Governor direct, explaining the urgency of the case and giving the reason for which the matter in question could not be submitted to the subordinate authorities, or else showing that previous requests submitted to these authorities have proved ineffective.

Article 7.

A passport delivered or *visé* 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 right of the Government of the colony to prohibit a person from remaining in the colony or to order his deportation, even if he holds a passport, be in any way curtailed.

Article 8.

All operations connected with the salvage of Chilean vessels wrecked on the coast of any of the Netherlands colonies shall be under the direction of the consuls-general, consuls, vice-consuls or consular agents of the Republic of Chile.

The local authorities shall intervene solely for the purposes of maintaining order, protecting the interests of the salvors, if the latter do not belong to the crew of the wrecked vessel, and ensuring the observance 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 further take all necessary steps to protect the persons concerned, and to safeguard the goods which have been shipwrecked.

It is agreed, moreover, that no import or export 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 keeping in custody deserters from Chilean merchant vessels or warships.

For this purpose they shall apply in writing to the appropriate local authorities, and, if it can be proved from the ship's papers, the list of crew or other authentic documents that the persons claimed were members of the crew in question, they shall be surrendered, unless they are 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 returning them to their ship or of sending them back to Chilean territory. If, however, such an opportunity should not occur within three months of their capture, they shall be set at liberty and shall not be liable to re-arrest on the same charge.

It is understood, however, that a deserter who has committed any punishable offence for which he is amenable to Netherlands jurisdiction, 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 a Chilean national 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 Chile 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, including disputes relating to the payment of wages and the fulfilment of mutual contractual obligations.

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

Article 12.

So far as consuls-general, consuls, vice-consuls and consular agents of the Netherlands in the Republic of Chile enjoy the rights and immunities mentioned in this Article on a basis of reciprocity, all Chilean consuls-general, consuls, vice-consuls and consular agents who do not hold any public office or exercise any profession in addition to their consular duties, and are not engaged either directly or indirectly in any kind of industry or trade shall be exempt from compulsory billeting, even in the event of war, from all personal taxes and from all general and 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.

The consuls-general, consuls, vice-consuls and consular agents of Chile in the Netherlands colonies shall enjoy, in addition to the advantages specified in the present Convention, all other privileges, exemptions and immunities which are already granted or may be granted in the future to consular officials of the same category belonging to the most favoured nation.

Article 14.

The present Convention shall come into force ninety days after the exchange of the instruments of ratification, which shall take place as quickly as possible at The Hague.

It shall remain in force for a term of five years from the date of the exchange of ratifications.

Unless either of the High Contracting Parties shall notify the other twelve months before the expiration of this period of five years of its intention to determine 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-named Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate, in the Dutch and Spanish languages, at The Hague on November 4, 1913.

(L. S.) J. LOUDON.

(L. S.) Jorje HUNEEUS.