

N° 3069.

ALLEMAGNE ET TURQUIE

Traité consulaire, avec annexe. Signé
à Ankara, le 28 mai 1929.

GERMANY AND TURKEY

Consular Treaty, with Annex. Signed
at Ankara, May 28, 1929.

TEXTE TURC. — TURKISH TEXT.

N° 3069. — TÜRKİYE¹ CÜMHURİYETİ İLE ALMANYA DEVLETİ ARASINDA KONSOLOSLUK MUKAVELENAMESİ¹. ANKARA 28. MAYIS 1929.

German and Turkish official texts communicated by the German Consul-General at Geneva. The registration of this Treaty took place October 22, 1932.

TÜRKİYE CÜMHURİYETİ ile ALMANYA hukuku umumiyei düvel esasları ve mütekabiliyet prensipi üzerine her iki memleket arasındaki Konsolosluk münasebetlerini tesis arzusuyla mütehassis olarak bir Konsolosluk mukavelemesi aktine karar vermişler ve bu hususta murahhasları olarak :

TÜRKİYE CÜMHURİYETİ REİSİ :

sabık Hariciye Müsteşarı ve Tokat meb'usu Ali ŞEVKİ Beyefendiyi,

ALMAN DEVLETİ REİSİ :

Almanyanın Türkiyedeki fevkalâde Murahhası ve Büyük Elçisi Herr Rudolf NADOLNY Cenaplarını ve
Almanya Devletinin Müşavırı Has sıfatını haiz İzmir birinci sınıf Jeneral Konsolosu Herr Wilhelm PADELI tayin eylemiştir.

Müşarünileyhim salâhiyetnamelerini birbirlerine tebliğ ile usulüne muvafık bulduktan sonra aşağıdaki ahkâmı kararlaştırmışlardır :

BİRİNCİ FASIL.

KONSOLOSLARIN KABULÜ.

Birinci Madde.

İşbu mukavelemede başka tabirler kullanılmadıkça « Konsolos » kelimesinden Konsoloslukların reisi bulunan Başkonsolos, Konsolos ve Muavin Konsoloslar anlaşılacaktır.
« Konsolos ve Konsolosluk memurları » tabirinden Konsoloslukların reisinden maada bir Konsoloshanede bulunan bircümle meslek memurları anlaşılacaktır.

¹ The exchange of ratifications took place at Berlin, August 17, 1931.
Came into force September 18, 1931.

¹ TRANSLATION.

No. 3069. — CONSULAR TREATY BETWEEN THE GERMAN REICH AND THE TURKISH REPUBLIC. SIGNED AT ANKARA, MAY 28, 1929.

THE GERMAN REICH and THE TURKISH REPUBLIC, being desirous of laying down rules to govern consular relations between the two countries in accordance with the general principles of international law and on the basis of reciprocity, have agreed to conclude a consular treaty and have appointed for that purpose as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

M. Rudolf NADOLNY, Envoy Extraordinary and Ambassador Plenipotentiary of the German Reich in Turkey, and

M. Wilhelm PADEL, Geheimer Legationsrat and German Consul-General of the First Class in Smyrna ;

THE PRESIDENT OF THE TURKISH REOUBLIC :

M. Ali ŞEVKI BEY, Former Under-Secretary at the Ministry for Foreign Affairs, Deputy for Tokat ;

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

PART I.

ADMISSION OF CONSULS.

Article 1.

Save where otherwise provided in the present Treaty, the term " consuls " shall be taken to mean all consuls-general, consuls and vice-consuls in charge of a consulate.

The terms " consuls and consular officers " shall be taken to mean, in addition to the heads of consulates, all officers *de carrière* at a consulate.

Article 2.

Each of the two Contracting States agrees to admit to ports, towns and places in its territory the consuls of the other State appointed by the latter in accordance with its own regulations. Each State, however, reserves the right to except certain localities or parts of its territory, provided that such exceptions are equally applicable to all third States.

Consuls and consular officers who are officials *de carrière* shall be nationals of the State appointing them.

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

Honorary consuls must be chosen from nationals of one of the contracting States. Before their appointment the approval of the Government of the State to which they are accredited shall be obtained through diplomatic channels.

Article 3.

Consuls may perform their official duties in the country in which their consulate is situated as soon as they have been admitted in accordance with the formalities customary therein.

On presentation of their credentials they shall receive their exequatur or special admission as soon as possible and free of charge.

On presentation of the exequatur, the competent authorities of the place of their official residence shall immediately take the necessary steps to enable them to carry out their official duties.

The extent of each consular area shall be fixed by the appointing State and notified to the other State. The same provision shall apply in the case of any subsequent change in the limits of consular areas previously determined.

A consular area may in no case include localities or parts of the territory in which the establishment of consulates is not permitted.

If, in a particular case, the State to which a consular officer is accredited deems the exequatur or admission to be unacceptable or its withdrawal to be necessary, it shall inform the appointing State of its reasons, whereof it alone shall be judge. This communication shall be made before the withdrawal of the exequatur or admission.

Article 4.

In the event of the decease, incapacitation or absence of the consul, the consular officers (consul, vice-consuls, chief secretaries and secretaries), in order of rank, shall be authorised to assume temporary charge of the consular affairs, provided that the competent authorities have previously been informed of their official capacity.

In the case of the incapacitation, absence or decease of the head of an honorary consulate, his substitute may be appointed only with the consent of the Government of the State to which he is accredited, unless he be an official *de carrière*.

Substitutes for consuls shall, whilst temporarily performing such duties, enjoy the privileges and immunities granted to consuls.

Substitutes for consuls *de carrière* who are themselves not officials *de carrière* shall, however, during their performance of such duties, enjoy the same marks of honour and respect as consuls *de carrière*, but only the privileges and immunities of honorary consuls.

PART II.

CONSULAR PRIVILEGES AND IMMUNITIES.

Article 5.

Consuls may place upon the building in which their consulate and consular offices are situated the arms of the States appointing them, with an inscription indicating their official position. They may also fly the flag of that State on the building in question on public holidays and other customary occasions ; it is clearly understood, however, that such external signs shall in no circumstances be interpreted as constituting a right of asylum.

Consuls shall be entitled to the marks of respect appropriate to their official position in accordance with local usage, en particular on all occasions when they represent their Government.

Article 6.

The consular archives shall at all times be inviolable, and the authorities of the country may under no pretext inspect or seize papers belonging to the archives. Official papers must be kept entirely separate from the private papers of consular officers.

The authorities of the country may not enter the archives or consular offices without having first informed the consul or his substitute, except in execution of a sentence of a court of law or in prosecution of an offence punishable with death, penal servitude or imprisonment for at least one year.

The consulate and consular offices may in no circumstances be used as an asylum.

Article 7.

Consuls and consular officers *de carrière* (consuls, vice-consuls, chief secretaries and secretaries) shall be exempt from all military obligations, requisitions and billeting and from all liability to personal service.

Such immunity shall not, however, extend to consuls and consular officials who are not nationals of the appointing State, or are engaged in a trade or occupation in the State to which they are accredited; these latter shall be subject to the same military obligations and requisitions as the nationals of the country.

Such immunity shall extend to premises belonging to consuls and consular officers *de carrière* only when used as residences for such persons or for the purposes of the consular service. Immunity shall not extend to premises belonging to honorary consuls.

Consuls, with the exception of honorary consuls, and consular officers *de carrière* shall be exempt from direct personal taxation, if they are nationals of the appointing State and are not engaged in a trade or occupation in the State to which they are accredited.

The exemptions mentioned in the fourth paragraph shall not extend to direct personal taxes payable in respect of particular articles liable to taxation and on the ground of their economic connection with the territory of the State to which the consular officials are accredited, without reference to the nationality, domicile or residence of the party liable to taxation.

Official emoluments received by persons mentioned in the first paragraph or by persons employed at consulates who are nationals of the appointing State, in respect of their duties as consul, consular officer or consular employee, shall in all cases be free from taxation in the State to which the persons in question are accredited.

Article 8.

In the event of the rupture of diplomatic relations between the Contracting States, consuls and consular officers, the members of their families belonging to their household and persons in their service, provided they are nationals of the State which appointed the consular officers and entered the country at the instance of such officers, may leave the country unhindered within a reasonable time, which shall not be less than six days.

Article 9.

Each of the Contracting States undertakes to permit the entry free of duty of all furniture and articles of first installation, intended for official use in the consular offices, and of all heraldic arms, flags, paper registers with printed heading, inventories, passport forms, stamps, official documents and all other office equipment, sent by the appointing State to consuls for official use.

Consuls and consular officers mentioned in Article 7 shall be entitled on first taking up their appointment or within six months thereafter to import free of duty the furniture, clothing, used articles and household articles belonging to them and their families, as well as articles of every kind, even new, which such persons bring with them for their personal use, provided that they submit the same for inspection.

Such exemption shall not apply to foodstuffs.

Article 10.

Consuls shall not be amenable to the judicial authorities of the State of their official residence in respect of the performance of their official duties within the scope of their powers.

Article 11.

Consuls and consular officers who are nationals of the appointing State may not be placed under arrest either in execution of, or as a measure of security in, civil or commercial processes.

They may also not be arrested or detained for examination except in execution of a sentence of a court of law or in prosecution of an offence punishable under the law of the country with imprisonment for not less than three years.

Should a consul or consular officer be arrested or be the subject of other legal proceedings, the diplomatic representative of the appointing country shall immediately be informed thereof through the Government of the State to which he is accredited.

Article 12.

Consuls and consular officers shall be bound to give evidence before the judicial authorities of the State to which they are accredited if officially requested in writing by the latter to do so. They may not, however, be examined in regard to matters relating to their official duties without the consent of the Government which appointed them.

If a consul *de carrière*, having been cited as a witness, be unable on account of illness or of his official duties to give evidence, the judicial authorities shall go to his place of abode to take his deposition verbally, or shall ask to have his evidence in writing in the form prescribed by the law of the country; in this case the official concerned shall accede to the request and shall supply the judicial authorities of the country within the time appointed with his evidence in writing signed and bearing his official seal.

If in any penal proceedings the personal appearance in court of a consul *de carrière* in accordance with the law of the State to which he is accredited is indispensable and the taking of his evidence at his residence is not possible, then if he be prevented by his duties, the court shall appoint with him a day and hour for his hearing and shall take his evidence with all possible despatch at the time appointed, and shall detain him no longer than is necessary.

Article 13.

If on the decease of a consul no substitute who is an official *de carrière* is available, the local authority shall apply to the nearest consul or embassy of the appointing State to cause the archives of the consulate to be sealed without delay. If the nearest consul or embassy is prevented from so doing, the local authorities shall proceed to seal the archives in the presence of the consular representative of a friendly Power, if one be available, and of two nationals of the State which appointed the deceased official.

A record of such proceedings shall be taken in duplicate; one copy shall be transmitted to the nearest consul or to the embassy of the State which appointed the deceased official.

On the breaking of the seals for the purpose of handing over the archives to the new consular officer the same procedure shall be observed.

Article 14.

Consuls and consular officers of each of the contracting States shall further, subject to reciprocity, enjoy within the territory of the other State all privileges and immunities granted to consuls and consular officials of the same kind and rank belonging to the most favoured nation.

It is agreed, however, that neither of the Contracting Parties may invoke the provisions of the most-favoured-nation clause to claim on behalf of its consuls or consular officials other or more extensive privileges or immunities than are granted by itself to consuls and consular officials of the other Party.

PART III.

CONSULAR FUNCTIONS.

Article 15.

Consuls shall be empowered to uphold the rights and interests of nationals of their country, and in particular to protect and further their trade and shipping.

They may in the performance of their official functions approach the competent authorities of their consular area and complain to them of any breach of existing treaties or agreements or of any infringement of the rights of their fellow nationals. If their representations are not heeded by the authorities they may, in the absence of a diplomatic representative of their country, themselves have recourse for the same purpose to the Government of the State to which they are accredited.

Article 16.

In so far as they are empowered by the law of their country, consuls may :

(1) Receive statements from nationals of the country they represent or from members of the crew or passengers of a ship of that country, either at their offices or places of abode or at the residences of the parties, or on board such ships ;

(2) Receive, attest or authenticate testamentary dispositions of nationals of the State they represent ;

(3) Receive, attest or authenticate legal acts of nationals of the country which they represent and contracts between such persons, provided that such acts or contracts do not relate to objects in the territory of the State to which they are accredited or to transactions to be concluded or carried out in that State ;

(4) Witness signatures of nationals of the State which appointed them ;

(5) Receive, attest or authenticate legal acts and contracts of any kind, whatever the nationality of the parties, provided that such acts or contracts relate exclusively

to objects in the territory of the State which they represent or to transactions to be concluded or carried out therein ;

(6) Translate and authenticate acts and documents of every kind emanating from authorities or officials of the State which they represent.

All such acts and contracts, when accepted, attested or authenticated by the consul and bearing the seal of the consulate, together with copies, or extracts therefrom or translations thereof authenticated and officially sealed by him, shall be regarded as public or publicly authenticated acts in the country of the consul's official residence, and shall have the same value and the same validity as evidence as if they were accepted, attested or authenticated by a public official of that country. Such value and validity as evidence shall relate solely to the form and not to the contents or the effects of the legal act or contract.

In so far as such transactions or other documents relate to business to be transacted in the country in question they shall be subject to stamp duties and other fees prescribed by law therein, and to all other formalities applicable in such circumstances.

Should any doubt arise as to the authenticity of a legal act accepted or registered at a consulate of either party or as to the authenticity or accuracy of such copies, extracts or translations, request by one of the parties for comparison with the original shall not be refused. Such party may be present at the time of comparison if he so think fit.

Article 17.

Consuls shall be authorised to issue passports and grant visas in accordance with the regulations of the State which appointed them.

Article 18.

Consuls may perform marriages if authorised by the law of the appointing State and provided that both parties are nationals of that State.

Consuls must immediately notify such marriages to the authorities of the State to which they are accredited.

Article 19.

Consuls shall be empowered to register births and deaths of nationals of the country which they represent in the manner prescribed by the law of that country.

The provisions of the present Article shall in no way affect the duty of the parties to inform the local authorities of such births and deaths in accordance with the laws of the State of residence.

Article 20.

As regards the estate of deceased nationals of the one State situated in the territory of the other State, consuls shall have the powers provided in the annex to the present Treaty.

Article 21.

Consuls may expedite the entry and clearance of ships of the country which they represent and render them assistance during their stay in the waters of their official areas. For this purpose, as soon as the ships have been granted pratique, they may go or send their representative on board

to question members of the crew, to examine the ship's papers, to receive the lists of cargo (manifests) and in accordance with Article 16 (1) to take statements from members of the crew and passengers in regard to the voyage, place of destination or incidents during the voyage.

Article 22.

Consuls shall be solely responsible for the maintenance of order on board merchant ships of the country which they represent ; they shall be empowered, if so authorised by the law of that country, to settle disputes between members of the crew, in particular those relating to wages or the fulfilment of reciprocal engagements.

In the case of disorders on board a ship, the authorities of the State of residence shall intervene only when such disorders are likely to cause a breach of the peace or of public order in the port or on shore, or when nationals of the State of residence or persons not belonging to the crew are concerned in the disorders.

In all other cases of disorders on board ships the authorities of the country shall confine their action to giving assistance when so requested to the consul or his representative, or, in their absence, to the master of the ship. In particular they shall cause members of the crew, not being nationals of the country, to return to the ship, or to arrest them, in the circumstances set forth in the following Article.

Article 23.

Consuls may cause members of the crew who have deserted from war ships or other vessels of the country which they represent to be arrested and taken on board or sent to the country whose flag is flown by the ship.

For this purpose they shall apply in writing to the local authorities and submit the necessary official documents, in particular certified extracts from the list of the ship's crew, showing that the persons to be handed over are actually members of the crew. In places where there is no consul, the application may be made under the same conditions by the ship's master. If an application be made on such grounds, the surrender of the deserters cannot be refused.

The local authorities shall detain the arrested persons in the prisons of the receiving State on the application and at the cost of the consul. If within two months of the day of arrest the consul has not caused them to be taken on board or sent back to the country whose flag is flown by the ship, or if the cost of their detention is not regularly paid, the deserters shall be set free after three days' notice has been given to the consul, and they may not be re-arrested on the same charge.

If a deserter has committed in the territory of the State in which he is situated an offence or misdemeanour punishable by the law of that State, his surrender may be postponed until the local court has passed judgment, and until judgment has been fully executed.

The Contracting States agree that members of the crew who are nationals of the country in which they have deserted shall be exempt from the provisions of this Article.

Article 24.

If a ship flying the flag of one State is wrecked on the coasts of the other, the local authorities shall as quickly as possible inform the nearest consul of the State whose flag the ship flies.

The only charges which may be made by the local authorities for their assistance or for the work of rescue shall be those payable in similar cases by ships of their own country.

Goods and other objects salvaged from the shipwreck shall be exempt from Customs duty unless placed on the free market within the country.

Article 25.

In the absence of agreement to the contrary between the parties interested in the ship and cargo, in particular between owners, charterers and insurers, the average sustained during the voyage by a ship of one of the contracting States shall be settled by the consul of that State if the vessel puts in at a port within his area. The settlement shall be made by the local authorities, however, if a national of the receiving State or of a third Power is concerned, and if it is not possible to arrive at a friendly final settlement between all the parties.

Article 26.

Apart from the above powers, consuls may exercise in regard to shipping only such powers of administration or accountancy, or technical powers, as are given them by the laws of their country.

The term " crew " in the preceding Articles shall include the captain, officers, seamen, stokers and all other persons employed on board a ship.

Article 27.

Consuls and consular officers of either of the Contracting States may further, subject to reciprocity, exercise in the territory of the other State the same functions as consuls and consular officers of equal rank belonging to the most favoured nation.

It is agreed, however, that neither of the Contracting States may invoke the above-mentioned most-favoured-nation clause for the purpose of claiming for its consuls or consular officers other or wider powers than those which it itself grants to consuls and consular officers of the other State.

PART IV.

FINAL PROVISIONS.

Article 28.

The provisions of Parts II and III of the present Treaty shall also apply to diplomatic representatives charged with consular duties, without prejudice to the privileges and immunities accorded them by the principles of international law.

Article 29.

The Contracting States agree that in cases for which no provision is made in the present Treaty they shall not act in a manner contrary to the principles of international law.

Article 30.

The present Treaty is done in German and Turkish. It shall come into force one month after the exchange of ratifications, and shall be valid for a period of five years.

The exchange of instruments of ratification shall take place at Berlin.

In the absence of denunciation by either of the Contracting States one year before the expiry of the period of five years, the Treaty shall remain in force until the expiry of a year from the date on which it is denounced by either of the States.

In witness whereof the Plenipotentiaries have signed the present Treaty and thereto affixed their seals.

Done in duplicate at Ankara, May 28, 1929.

(Seal) Rudolf NADOLNY.

(Seal) A. ŞEVKİ.

(Seal) Wilhelm PADEL.

ANNEX TO ARTICLE 20 OF THE CONSULAR CONVENTION.

(Agreement concerning estate of deceased persons).

Paragraph 1.

1. If a national of one of the Contracting States dies in the territory of the other Contracting State, the competent local authority shall, without delay, notify the death to the competent consul of the State of which the deceased was a national, and shall supply him with any information it may possess as to the heirs, their place of residence, the value and nature of the estate and the existence of testamentary dispositions. If the consul (of the country of which the deceased was a national) is the first to be informed of the death, he for his part shall (similarly) inform the local authority.

2. If the place where death occurred is not within any consular area, the information shall be given to the diplomatic representative of the State of which the deceased was a national.

3. The duties devolving in such cases on the local authority and on the consul are set forth as regards movable estate in Paragraphs 2-11, and as regards immovable estate in Paragraph 12.

Paragraph 2.

1. The competent local authority shall, in the first place, take measures for the safeguarding of the estate. It shall take only such measures as are necessary for preserving the substance of the estate unimpaired, e. g., sealing and the taking of an inventory. It shall in all cases take such safeguarding measures as it may be requested to take by the consul.

2. The consul may, jointly with the local authority, or, alone, if the local authority has not yet taken action in the matter, proceed in accordance with the laws of the country he represents, either personally or through a representative, appointed by him with full power of attorney, to place seals on the movable estate and prepare an inventory of the estate : to this end he may claim the assistance of the local authorities.

3. The local authorities and the consul shall, unless prevented by special circumstances, afford each other an opportunity to cooperate in the safeguarding measures. An authority which has been unable to collaborate therein shall be empowered, in the case of sealing, to add its seals to those already affixed. If the other authority has been unable to co-operate, it shall be furnished as soon as possible with a certified copy of the inventory and of the account of the proceedings.

4. The same provisions shall apply as regards the withdrawal of the safeguarding measures and in particular the removal of seals which shall be carried out jointly. Nevertheless, either the local authority or the consul shall be authorised to remove the seals if the other party has given its consent thereto, or has failed to appear duly for the purpose when requested to do so after not less than forty-eight hours' notice has been given.

Paragraph 3.

The local authority shall publish such notice as is customary in the country or is prescribed by law, of the opening of the succession and the summoning of heirs or creditors, and shall communicate such notice to the consul. The latter may also give similar notice.

Paragraph 4.

The consul may undertake the administration of the estate. In such a case the provisions of Paragraphs 5-10 of the present Agreement shall apply.

Paragraph 5.

1. The consul shall be authorised to demand all objects relating to the estate, including the papers of the deceased, that are in the custody of private individuals, notaries, banks, insurance companies, public funds, etc., or of the local authorities, and also to call in all debts due to the estate, in the same way as the deceased himself would have been entitled to do. If the estate is wholly or partly sequestrated or taken in execution, the consul cannot take possession of it until the sequestration or writ of execution is withdrawn.

2. The consul shall be further authorised to demand delivery of the testamentary dispositions of the deceased, even though they may have been taken into official custody by the local authorities, who shall be entitled to open them before delivery. The consul shall furnish the local authority with a certified copy of every such disposition that has come into his possession and has been opened.

Paragraph 6.

The consul shall be empowered and shall be bound to take any steps which he considers necessary for the preservation of the estate in the interests of the heirs, or necessary for fulfilling the obligations at public law of the deceased or of the heirs. In particular he shall be bound to inform the competent authorities of the value of the estate. He may administer the estate either personally or through a representative appointed by him and acting in his name and under his supervision. The consul shall be entitled to claim the assistance of the local authorities.

Paragraph 7.

1. The consul shall retain, within the country of his official residence, the estate of which he has taken possession.

2. The consul shall be empowered, on his own authority, to dispose by auction, in accordance with the laws and customs of the country of his official residence, of such parts of the estate as are perishable or would be difficult and costly to retain.

3. He shall further be empowered to pay immediately from the assets of the estate the expenses of the last illness and of the funeral of the deceased, the wages of servants, employees and labourers

rent and other expenses necessitated by the administration of the estate and, where necessary, the sums required for the maintenance of the family of the deceased, and for legal costs, consular fees and taxes leviable by the local authorities.

Paragraph 8.

Actions arising out of claims against the estate shall be heard and settled by the competent authorities of the country in which the estate is situated.

Paragraph 9.

1. A writ of execution may be enforced against any portion of the estate, even though it be in the custody of the consul, who shall transfer it on demand to the competent authority.

2. If the competent authority institutes bankruptcy proceedings against the part of the estate within the country, the consul shall cede on demand to the local authority or receiver in bankruptcy any property that may form part of the bankrupt estate. The consul shall be empowered to uphold the interests of his nationals in the proceedings.

Paragraph 10.

Three months after the last public notice regarding the opening of the succession or, if no such public notice has been issued, four months after the death of the deceased, the consul may deliver the estate to the heirs who have established their claim thereto, or, if their claim is not established, to the competent authorities of his own country. He may not, however, so deliver the estate until all the deceased's debts at public law and all State taxes, together with the costs and accounts of administration, have been paid, or security given for them, and until all claims on the estate notified by nationals or residents of the country in which the estate is situated have been settled, or security duly given for them. The liability of the consul in respect of claims thus notified shall cease if he is not informed within a further six months that the claims have been allowed or that proceedings in respect of such claims have been instituted before the competent court.

Paragraph 11.

1. If the consul has not asked for delivery of the estate, the local authority shall deliver to the heirs the assets in its custody under the same conditions as are laid down for the consul in paragraph 10.

2. If the claimants do not prove their rights of inheritance, within six months of the death of the deceased, the local authority shall deliver to the consul the estate, together with the relevant documents, subject to the provisions of paragraph 10. The consul shall then take in respect of the estate the proceedings prescribed in paragraph 10.

Paragraph 12.

1. As regards immovable estate, the competent authorities of the territory in which such estate is situated shall alone have the right and duty of taking the measures prescribed by the law of the country, in the same manner as in the case of the estate of nationals of the country. A certified copy of the inventory of the immovable estate shall be forwarded to the competent consul as soon as possible.

2. If the consul has in his possession a testamentary disposition containing provisions as to immovable estate, he shall transmit to the local authority, at its request, the original document containing such disposition.

3. The law of the country in which the estate is situated shall determine what part is movable and what immovable estate.

Paragraph 13.

In all matters concerning the opening of succession, administration and disposal of movable and immovable estate of nationals of the one country in the territory of the other country, the consul shall be entitled to represent heirs who are nationals of his State and have appointed no person with power of attorney on their behalf in the other State, and he shall not be bound to give special evidence of his authority to represent such heirs. The consul's authority as representative shall cease when all the claimants are present or represented.

Paragraph 14.

1. Succession to movable property shall be governed by the law of the country of which the deceased was a national at the time of his death.

2. Succession to immovable property shall be governed by the law of the country in which such property is situated, and in such manner as though the deceased had at the time of his death been a national of that country.

Paragraph 15.

Actions in respect of the recognition of rights of succession, claims to inheritance of estate or to legacies or the reserved portion of an estate shall, as regards movable estate, be heard by the courts of the State of which the deceased was a national at the time of this death, and, as regards immovable estate, by the courts of the State in whose territory the immovable property is situated. The decisions of such courts shall be upheld by the other State.

Paragraph 16.

1. Testamentary dispositions shall, as regards form, be valid if they are in accordance with the law of the country in which they were executed or the law of the State of which the deceased was a national at the time of their execution.

2. The same provision shall apply as regards the revocation of such testamentary dispositions.

Paragraph 17.

A certificate regarding a matter of right of inheritance, in particular the right of succession or executorship, issued by the competent authority of the State of which the testator was a national and in accordance with the law of that State, shall, in the case of movable property, be sufficient evidence of the same matter in the territory of the other State. As proof of authenticity, certification by a consul or diplomatic representative of the State of which the testator was a national shall suffice.

Paragraph 18.

The provisions of paragraphs 1-17 shall also apply *mutatis mutandis* to movable or immovable property situated in the territory of one of the Parties and forming part of the estate of a national of the other Party dying outside that territory.

Paragraph 19.

1. If a member of the crew of a ship of one of the two States dies in the territory of the other State and is not a national of the latter State, his wages and personal effects shall be placed in the custody of the consul of the State concerned.

2. If a national of one of the two States travelling in the territory of the other State dies without being domiciled or ordinarily resident in the latter State, the articles which he has with him shall be placed in the custody of the consul of his country.

3. The consul in whose custody the objects mentioned in paragraphs (1) and (2) have been placed shall deal with them as prescribed by the law of his own country, after paying any debts incurred by the deceased during his stay in the country.