

**CONSULAR AGREEMENT**  
**BETWEEN**  
**THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA**  
**AND**  
**THE GOVERNMENT OF THE FEDERAL REPUBLIC OF**  
**NIGERIA**

The Government of the People's Republic of China and the Government of the Federal Republic of Nigeria,

**Desiring** to develop consular relations to facilitate protection of rights and interests of their nations and nationals, and promote friendly relations and cooperation between the two countries,

**Have decided** to conclude the present Consular Agreement and have agreed as follows:

**Article 1**

**Definitions**

For the purposes of the present Agreement, the following expressions shall have the meanings hereunder assigned to them:

- (a) "Head of Consular Post" means the Consul-General, Consul,

Vice Consul or Consular Agent who is charged by the Sending State to head a consular post;

(b) “ Consular Officer ” means a Consul-General, Vice Consul-General, Consul, Vice Consul, Consular Attaché or Consular Agent;

(c) “ member of the administrative and technical staff of the consular post ” means any person who performs administrative or technical service at a consular post;

(d) “ member of the service staff ” means any person employed in the domestic service of a consular post;

(e) “ members of the consular post ” means consular officers, administrative and technical staff and service staff of the consular post;

(f) “ family members ” means the spouse of a member of the consular post and their minor children who live with them in the same household;

(g) “ national of the Sending State ” means any natural person having the nationality of the Sending State, and, when applicable, also any juridical person of the Sending State;

(h) “ vessel of the Sending State ” means any vessel sailing under the flag of the Sending State pursuant to its law, excluding military vessels;

(i) “ aircraft of the Sending State ” means any aircraft registered in the Sending State and bearing that State's registration marks, excluding military aircraft.

## **Article 2**

### **Freedom of Movement**

Subject to the laws and regulations of the Receiving State concerning zones entry into which is prohibited or regulated, members of the consular post shall enjoy freedom of movement and travel in that State.

## **Article 3**

### **Personal Inviolability of Consular Officers**

The person of consular officers shall be inviolable, and they shall not be liable to detention or arrest. The Receiving State shall take appropriate measures to prevent any attack on their freedom of person and dignity.

## **Article 4**

### **Immunity from Jurisdiction**

1. A consular officer shall be immune from the judicial or administrative jurisdiction of the Receiving State, except in civil proceedings:

(a) arising out of a contract concluded by a consular officer in which he did not contract expressly as an agent of the Sending State;

(b) by a third party for damage arising from an accident in the Receiving State caused by a vehicle, vessel or aircraft;

(c) concerning private immovable property in the Receiving State,

unless a consular officer is holding it in the capacity of representative of the Sending State and for the purposes of the consular post;

(d) concerning private succession;

(e) arising out of any professional or commercial activities in the Receiving State by a consular officer outside of his official functions.

2. The Receiving State shall not take measures of execution against a consular officer except in cases referred to in paragraph 1 of this Article. In the event of taking such measures in such cases, the inviolability of the person and residence of the consular officer shall not be impaired.

3. Members of the administrative and technical staff and of the service staff of the consular post shall be immune from the jurisdiction of the judicial or administrative authorities of the Receiving State in respect of any act in the performance of their functions, except in the civil proceedings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

## **Article 5**

### **Liability to Give Evidence**

1. A consular officer is under no obligation to give evidence as a witness.

2. A member of the administrative and technical staff or of the service staff of the consular post may be called upon to give evidence in the course of judicial or administrative proceedings of the Receiving State.

He shall not, except in the cases referred to in paragraph 3 of this Article, decline to give evidence.

3. A member of the administrative and technical staff or of the service staff of the consular post is under no obligation to give evidence concerning matters connected with the exercise of his functions or to produce any official correspondence or documents relating thereto. He is entitled to decline to give evidence as expert witness with regard to the law of the Sending State.

4. The competent authorities of the Receiving State requiring the evidence of a member of the administrative and technical staff or of the service staff of the consular post shall avoid interference with the performance of his functions. They may, when possible, take such evidence at his residence or at the consular premises or accept a statement from him in writing.

## **Article 6**

### **Exemption from Services and Obligations**

1. A member of the consular post shall be exempt in the Receiving State from any kind of personal services, public services and military obligations.

2. A consular officer and a member of the administrative and technical staff of the consular post shall be exempt from all obligations under the laws and regulations of the Receiving State concerning the

registration of aliens and residence permits.

## **Article 7**

### **Exemption of Members of the Consular**

#### **Post from Taxation**

1. Consular officers and members of the administrative and technical staff of the consular post shall be exempt from all national, regional or municipal dues and taxes of the Receiving State on person or object, except:

(a) indirect taxes of a kind which are normally incorporated in the price of commodities or services;

(b) dues and taxes on private immovable property situated in the territory of the Receiving State;

(c) estate and inheritance duties and duties on transfers, subject to the provisions of Article 11 of this Agreement;

(d) dues and taxes on private income other than the income acquired from their official functions in the Receiving State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duties.

2. Members of the service staff of the consular post shall be exempt from dues and taxes in the Receiving State on their wages which they receive for their services at the post.

## Article 8

### Exemption from Customs Duties and Inspection

1. The Receiving State shall, in accordance with its laws and regulations, permit entry and exit of and grant exemption from all customs duties other than charges for storage, cartage and similar services, on:

(a) articles for the official use of a consular post;

(b) articles for the personal use of a consular officer;

(c) articles imported at the time of first installation for the personal use of a member of the administrative and technical staff of the consular post, including household articles intended for his establishment.

2. Articles referred to in sub-paragraphs (b) and (c) of paragraph 1 of this Article shall not exceed the quantities necessary for direct use by the person concerned.

3. Personal baggage of a consular officer shall be exempt from customs inspection. It may be inspected by the competent authorities of the Receiving State only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which are 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 concerned or his representative.

## **Article 9**

### **Privileges and Immunities of Family Members**

Family members of a consular officer and family members of a member of the administrative and technical staff of the consular post shall enjoy respectively the privileges and immunities to which the consular officer and the members of the administrative and technical staff are respectively entitled under the provisions of this Agreement; Family members of a member of the service staff of the consular post shall enjoy the privileges and immunities to which the member of service staff is entitled under paragraph 1 of Article 6 of this Agreement, except those who are nationals or permanent residents of the Receiving state, or who carry on any private gainful occupation in the Receiving State.

## **Article 10**

### **Persons who shall not Enjoy Privileges and Immunities**

1. Members of the administrative and technical staff or of the service staff of the consular post who are nationals or permanent residents of the Receiving State shall not enjoy the privileges and immunities provided for in this Agreement, subject to the provisions of paragraph 3 of Article 5 of this Agreement.

2. Family members of the persons mentioned in paragraph 1 of this Article shall not enjoy the privileges and immunities provided for in this Agreement.

## **Article 11**

### **Estate of Member of the Consular Post**

In the event of the death of a member of a consular post or a member of his family, the Receiving State shall:

(a) permit the export of the movable property of the deceased except any such property acquired by the deceased in the territory of the Receiving State the export of which was prohibited at the time of his death;

(b) exempt the movable property of the deceased from estate duties and all duties concerned.

## **Article 12**

### **Beginning and End of Privileges and Immunities**

1. Every member of the consular post shall enjoy the privileges and immunities provided in this Agreement from the moment he enters the territory of the Receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Family members of a member of the consular post shall enjoy the privileges and immunities provided in this Agreement from the date from which he enjoys privileges and immunities, or from the date of their entry into the territory of the Receiving State or from the date of their becoming such family members in the case of their entry or becoming such family members after the date from which he enjoys privileges and immunities.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of his family members shall cease at the moment when the person concerned leaves the Receiving State or on the expiry of a reasonable period in which to do so. The privileges and immunities of the family members of a member of the consular post shall come to an end when they cease to be the said family members. However, if such persons intend to leave the Receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. In the event of the death of a member of the consular post, his family members shall continue to enjoy the privileges and immunities accorded to them until they leave the Receiving State or until the expiry of a reasonable period in which to do so.

### **Article 13**

#### **Waiver of Privileges and Immunities**

1. The Sending State may waive any of the privileges and immunities enjoyed by the persons concerned under Articles 4 and 5 of this Agreement. The waiver shall in all cases be explicit and shall be communicated to the Receiving State in writing.

2. The initiation of proceedings by a person in a matter where he might enjoy immunity from jurisdiction under this Agreement shall preclude him from invoking immunity from jurisdiction in respect of any

counter-claim directly connected with the principal claim.

3. 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 execution of judicial decision in respect of such execution, a separate waiver of immunity in writing shall be necessary.

## **Article 14**

### **Notification of Detention and Arrest and Visit**

1. If a national of the Sending State is detained, arrested or deprived of freedom by any other means in the consular district by the competent authorities of the Receiving State, the said authorities shall notify the consular post of the matter as soon as possible.

2. A consular officer shall be entitled to visit a national of the Sending State who is under detention, arrest or deprived of freedom by any other means, to converse or communicate with him and to arrange legal assistance for him. The competent authorities of the Receiving State shall make arrangements for the visit to the said national by a consular officer as soon as possible.

3. A consular officer shall be entitled to visit a national of the Sending State who is serving a sentence.

4. The competent authorities of the Receiving State shall inform the above-mentioned national of the Sending State of the provisions under paragraphs 1, 2 and 3 of this Article.

5. A consular officer shall comply with the relevant laws and regulations of the Receiving State in performing the functions provided for in this Article. Nevertheless, the application of the relevant laws and regulations of the Receiving State shall not restrict the implementation of the rights provided for in this Article.

## **Article 15**

### **Assistance to National of the Sending State**

1. A consular officer shall be entitled to:

(a) communicate and meet with any national of the Sending State in the consular district, and the Receiving State shall neither restrict communication between nationals of the Sending State and a consular post nor restrict their access to the consular post;

(b) ascertain conditions in life and work of a national of the Sending State in the Receiving State and provide him with necessary assistance;

(c) request the competent authorities of the Receiving State to ascertain the whereabouts of a national of the Sending State, and the competent authorities of the Receiving State shall do everything possible to provide the relevant information;

(d) receive and take into temporary custody money or valuables of a national of the Sending State in accordance with the laws and regulations of the Receiving State.

2. In case a national of the Sending State is not in the locality or for

any other reason is unable in time to defend his own rights and interests, a consular officer may represent him before the court or other competent authorities of the Receiving State or arrange for him an appropriate representative in accordance with the laws and regulations of the Receiving State till he designates his own representative or is able to assume the defence of his own rights and interests.

## **Article 16**

### **Functions Concerning Estate**

1. If a deceased national of the Sending State has left an estate in the Receiving State and there is no heir or testamentary executor in the Receiving State, the competent authorities of the Receiving State shall promptly inform the consular post.

2. A consular officer shall be entitled to be present when an estate as referred to in paragraph 1 of this Article is being inventoried and sealed by the competent authorities of the Receiving State.

3. If a national of the Sending State as an heir or legatee is entitled to inherit or receive an estate or bequeathed gift of a deceased of any nationality in the Receiving State and if such a person is not in the territory of the Receiving State, the competent authorities of the Receiving State shall inform the consular post about such inheritance or reception of estate or bequeathed gift by the said person.

4. In case a national of the Sending State has or claims to have right

to inherit an estate in the Receiving State but neither he nor his representative is able to be present at the inheritance proceedings, a consular officer may himself or through his deputy represent the national before the court or other competent authorities of the Receiving State.

5. A consular officer shall be entitled, on behalf of a national of the Sending State who is not a permanent resident in the Receiving State, to receive for transmission to that national any estate or bequeathed gift in the Receiving State, which is due to that national.

6. If a national of the Sending State who is not a permanent resident in the Receiving State dies during a temporary stay in or transit through the Receiving State, and if there is no relative or representative of his in the Receiving State, a consular officer shall be entitled to immediately take into provisional custody all the documents, money and personal effects which were with the deceased national for transmission to his heir, testamentary executor or other persons authorized to receive the assets.

7. A consular officer shall comply with the laws and regulations of the Receiving State in performing his functions as referred to in paragraphs 4, 5 and 6 of this Article.

## **Article 17**

### **Assistance to Vessels of the Sending State**

1. A consular officer shall be entitled to render assistance to vessels of the Sending State which are in the inland or territorial waters of the

Receiving State, and to their master and crew members, and also:

(a) to board a vessel when free access to shore has been granted to the vessel, question the master and any member of the crew and receive reports on the vessel, its cargo and voyage;

(b) to investigate any accident which occurred during the voyage on the premise that this does not prejudice the power of the competent authorities of the Receiving State;

(c) to settle disputes between master and crew, including disputes about wages and service contracts;

(d) to receive visits from the master or any member of the crew, and, when necessary, make arrangements for his medical treatment or return home;

(e) to receive, examine, draw up, sign or authenticate documents with regard to a vessel; and

(f) to handle other matters relating to a vessel, which are entrusted by the competent authorities of the Sending State.

2. The master and any member of the crew may contact a consular officer. They may go to the consular post on the premise of no contravention of the laws and regulations of the Receiving State concerning the administration of ports and aliens.

## **Article 18**

### **Protection in Case of Compulsory Actions**

#### **Against a Vessel of the Sending State**

1. In case the courts or other competent authorities of the Receiving State intend to take compulsory actions or start an official investigation with regard to a vessel or aboard a vessel of the Sending State, those authorities shall notify the consular post in advance so as to enable a consular officer or his representative to be present when actions are taken. If the urgency of the matter prevents prior notification, the competent authorities of the Receiving State shall notify the consular post immediately after the actions have been taken and promptly provide him with full particulars of the said actions, upon the request of a consular officer.

2. The provisions of paragraph 1 of this Article shall apply to similar actions taken on shore by the competent authorities of the Receiving State against the master of a vessel or any member of the crew.

3. The provisions of paragraphs 1 and 2 of this Article shall not apply to any routine inspection carried out by the competent authorities of the Receiving State in relation to customs, administration of ports, quarantine or border check, nor to measures taken by such authorities to ensure navigation safety on sea or the prevention of pollution of waters.

4. Except upon the request or with the consent of the master of a vessel of the Sending State or of a consular officer, the competent

authorities of the Receiving State shall not interfere in the internal affairs of the vessel, when the peace, security and public order of the Receiving State are not violated.

## **Article 19**

### **Assistance to Wrecked Vessels of the Sending State**

1. If a vessel of the Sending State suffers an accident in the inland or territorial waters of the Receiving State, the competent authorities of the Receiving State shall notify the consular post as soon as possible and inform it of the measures taken for rescuing the persons aboard, the vessel and its cargo and other properties.

2. A consular officer shall be entitled to take measures to render assistance to any wrecked vessel of the Sending State and its crew and passengers and to request assistance from the authorities of the Receiving State in this connection.

3. If a wrecked vessel of the Sending State or its articles or cargo are found near the coast of, or are brought into a port of the Receiving State and neither the master nor the owner of the vessel, nor any agent of the vessel company or of its insurance company is present or is in a position to take measures for their preservation or disposal, the competent authorities of the Receiving state shall inform the consular post as promptly as possible. A consular officer may take appropriate measures on behalf of the owner of the vessel.

4. A wrecked vessel of the Sending State and its cargo and articles shall not be subjected to customs duties or other similar charges by the Receiving State provided they are not delivered for sale or for use in the Receiving State.

## **Article 20**

### **Aircraft of the Sending State**

The provisions of this Agreement concerning vessels of the Sending State shall apply to aircraft of the Sending State provided that such application does not contravene the provisions of bilateral agreements in force between the Sending State and the Receiving State or of multilateral agreements to which both States are signatories.

## **Article 21**

### **Relations between this Agreement and other International Agreements**

This Agreement is concluded in accordance with the Article 73 paragraph 2 of the Convention on Consular Relations, done at Vienna, April 24, 1963, and matters not expressly stipulated in it shall be handled in accordance with that Convention.

## **Article 22**

### **Application of territory**

This Agreement shall apply as well to the Hong Kong Special

Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

### Article 23

#### **Ratification, Entry into Force and Termination**

1.This Agreement shall be subject to ratification. The present Agreement shall enter into force after the expiration of thirty days following the date of the exchange of notes through diplomatic channels notifying that each Contracting Party has completed the process of ratification.

2.This Agreement shall remain in force until the expiration of six months from the date on which one of the Contracting Parties gives to the other Contracting Party written notification of its intention to terminate the Agreement.

Done at Beijing, on *July 2002*, in duplicate in the Chinese and the English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE  
PEOPLE'S REPUBLIC OF CHINA

FOR THE GOVERNMENT OF THE  
FEDERAL REPUBLIC OF NIGERIA