

Unofficial translation

The Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister Office

No 97/PM
Vientiane, 22 March 2007

**DECREE
ON
THE ESTABLISHMENT OF FOREIGN HONORARY
CONSULAR POSTS IN THE LAO PDR**

- In accordance with to the Law No 02/NA of 06 May 2003 on the Government of the Lao PDR;
- In accordance with the Vienna Convention on Consular Relations of 24 April 1963;
- With a view to implementing the Policy of the Party and the Government of the Lao PDR on Broadening relations and cooperation with foreign countries;
- Upon the recommendation of the Minister of Foreign Affairs No 0387/AE.AC.1 of 19 January 2007.

The Prime Minister promulgates the present Decree:

**Chapter I
General provisions**

Article 1. Objectives

The present Decree is formulated for the purpose of defining principles, regulations, procedures, requirements for the establishment of honorary consular posts and the appointments of honorary consuls, territorial jurisdictions of honorary consular posts, facilities, privileges and immunities accorded to foreign honorary consular officers in the Lao PDR.

Article 2. Honorary consular posts

Honorary consular posts mean consulates or vice-consulates or consular agencies of foreign countries in the Lao PDR headed and represented by Honorary consular officers or by honorary consular agents.

Article 3. Definitions

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

- 3.1 **"Consular Territorial Jurisdiction"** means the area assigned to an honorary consular post for the exercise of consular functions.
- 3.2 **"Head of an Honorary Consular Post"** means the person in the Lao PDR(Receiving State), who is charged with the duty of acting in that capacity by the sending States.
- 3.3 **"Honorary Consular Officer"** means any person, including the head of an honorary consular post, entrusted in that capacity with the exercise of consular functions.
- 3.4 **"Honorary Consular Employee"** means any person employed in the administrative or technical service of an honorary consular post.
- 3.5 **"Member of the Service Staff"** means any person employed in the domestic service of an honorary consular post.
- 3.6 **"Members of the Honorary Consular Post"** means honorary consular officers, honorary consular employees and members of the service staff.
- 3.7 **"Honorary Consular Premises"** means the buildings or the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the honorary consular post.
- 3.8 **"Honorary Consular Archives"** means all the official papers, documents, correspondence, books, films, tapes and registers of the honorary consular posts, together with ciphers and codes, the card-indexes and any articles of furniture intended for their protection or safekeeping.

Article 4. Principles relating to honorary consular posts and honorary consular officers

The principles related to the honorary consular posts and the honorary consular officers are provided in the present Decree and in the Chapter III of the Vienna Convention on Consular Relations of 22 April 1963, which entered into force on 19 March 1967. Laos became a party to the above-mentioned Convention on 09 August 1973 and the Convention entered into force in Laos on 08 September 1973.

Article 5. Application of the principle of reciprocity

The Government of the Lao PDR may accord the privileges and immunities to the honorary consular officers provided in the present Decree and the Chapter III of the Vienna Convention on Consular Relations of 22 April 1963 based on the principle of reciprocity between the Government of the Lao PDR and the Government of the respective Sending State.

Article 6. Establishment of an Honorary Consular Post

- 6.1 The establishment of an honorary consular post in the territory of the Lao PDR requires prior consent of the Government of the Lao PDR.
- 6.2 A Sending State with a diplomatic mission in Vientiane Capital may be granted permission by the Government of the Lao PDR for the establishment of an honorary consular post in the following designated major cities: Luangprabang(Luangprabang Province), Kaysone Phomvihanh (Savan nakhet Province) and Pakse(Champasak Province).

- 6.3 A Sending State without a diplomatic mission in the Lao PDR may be granted permission to locate the seat of its honorary consular post only in Vientiane Capital.

Article 7. Territorial jurisdiction of an Honorary Consular Post

- 7.1 Territorial jurisdiction of an honorary consular post may comprise the whole of the Lao PDR, one province or several provinces or one city, whereas such territorial jurisdiction shall not overlap with any other territorial jurisdiction of any other Honorary Consular Post of the sending State.
- 7.2 Any subsequent change in the seat or the territorial jurisdiction of any honorary consular post shall require the prior consent of the Government of the Lao PDR. An honorary consular post may, in some special circumstances and with the consent of the Government of the Lao PDR, exercise functions outside its territorial jurisdiction. Such circumstances shall not affect the territorial jurisdiction of a higher-ranking diplomatic mission or a career consular post with wider territorial jurisdiction.

Article 8. Issuance of Exequaturs to Honorary Consular Officers

- 8.1 The Government of the Lao PDR shall only issue exequaturs to honorary consular officers of foreign countries as honorary consuls, vice-honorary consuls and honorary consular agents.
- 8.2 The Government of the Lao PDR shall not allow more than 2 honorary consular officers belonging to the same honorary consular post.
- 8.3 The Government of the Lao PDR reserves the right to refuse to grant exequaturs and to withdraw exequaturs at any time and is under no obligation to give to the Sending State reasons for such refusal and withdrawal.

Chapter III

Justification and needs for the establishment of Honorary Consular Posts and criteria for Honorary Consular Officers

Article 9. Justification for the establishment of an Honorary Consular Post

A Sending State shall provide reasonable justification on the need to establish its honorary consular post, *inter alia*, the number of its nationals living the proposed territorial jurisdiction, the probable demand for passport and visa services and the prospects for economic, commercial, scientific and tourist cooperation, culture exchanges and etc between the territorial jurisdiction and the Sending State.

Article 10. Criteria for the proposed Honorary Consular Officers

The proposed Honorary Consular Officers shall meet, *inter alia*, the following criteria:

- 10.1 a Lao national or a national of the Sending State with permanent resident status in the Lao PDR;
- 10.2 holding a generally respected position in the society, financially sound, and as far as possible, having had long standing and some substantial connection with the Sending State;

- 10.3 having resided for some considerable time in his/her prospective territorial jurisdiction and having his/her domicile within easy traveling distance;
- 10.4 being 35 years old and older, but preferably not older than 65 at the time of the appointment;
- 10.5 not being a member of the National Assembly, a member of the Judicial Authorities, or an employee of the Lao Government. For the Lao nominee used to serve in any branch of Lao People's Revolutionary Armed forces or in any branch of Lao National Security Authorities, the permission of the said authorities is required.
- 10.6 not having had any criminal record;
- 10.7 not being a person declared bankrupt;
- 10.8 not serving as Honorary Consul of any third country in the Lao PDR at the same time, and
- 10.9 as may be prescribed by the Government of the Lao PDR when deemed fit and necessary.

Chapter III

Procedure for and Consideration of the establishment of an Honorary Consular Post

Article 11. Procedure for the establishment of an Honorary Consular Post

The Sending State is required to send a note verbale to the Ministry of Foreign Affairs (Consular Affairs Department) informing of its intention to establish an honorary consular post and to nominate an individual as honorary consular officer, including the proposed seat and the territorial jurisdiction. The curriculum vitae of the proposed honorary consular officer shall contain the following details:

- 11.1 Curriculum Vitae:
 - 1. Given name and surname;
 - 2. Date of birth;
 - 3. Place of birth;
 - 4. Nationality (nationality at birth and current nationality);
 - 5. Educational background;
 - 6. Foreign languages spoken;
 - 7. Address (Residence and business);
 - 8. Name of his/her company, the company establishment date, his/her commencement of work at the company, and his/her position and responsibility at the company.
 - 9. His/her working experience.
- 11.2 A duly completed answers to the questionnaire contained in the annex "A" shall be enclosed in the aforesaid note verbale.

Article 12. Consideration

- 12.1 In considering the request for the establishment of an honorary consular post, the Government of the Lao PDR will focus its attention mainly on the need for the consular services and prospects for economic, commercial, tourist, scientific and technical cooperation, cultural

exchanges and etc between the territorial jurisdiction and the sending State, including the qualities of the nominee.

- 12.2 Should the request for the establishment of the honorary consular post and the nomination of the propose honorary consular officer are approved by the Government of the Lao PDR, the Ministry of Foreign Affairs (Consular Affairs Department) will notify the Sending State of such approval through diplomatic channels.

Article 13. Issuance of exequatur

- 13.1 The Sending State is required to send a note verbale to the Ministry of Foreign Affairs of the Lao PDR (Consular Affairs Department) requesting that the formal admission (exequatur) be issued to the head of the honorary consular post.
- 13.2 Upon issuance of the exequatur to the head of the honorary consular post by the Minister of Foreign Affairs of the Lao PDR, the Ministry of Foreign Affairs (Consular Affairs Department) will transmit the exequatur to the sending State through diplomatic channels.

Article 14. Commencement of Functions

- 14.1 Upon receiving the exequatur, the Sending State is required to notify the head of the proposed honorary consular post to duly complete the commencement form as specified in annex "B" along with 2 photos affixed thereon. Upon completion of the form, the sending State is required to send a note verbale conveying the duly completed form to the Ministry of Foreign Affairs (Protocol Department) for the identity card issuance.
- 14.2 The head of the honorary consular post shall not exercise his/her functions until the exequatur has been granted by the Minister of Foreign Affairs of the Lao PDR.

Chapter IV
Communication, facilities, privileges,
immunities and termination of functions

Article 15. Communication

- 15.1 In the exercise of its functions, the Honorary Consular Post has the right to:
- a) communicate and work with the local authorities of its territorial jurisdiction;
 - b) communicate and work with the central authorities of the Lao PDR through the diplomatic mission of the Sending State in the Lao PDR (if any). In the event that there is no a diplomatic mission of the Sending State in the Lao PDR, the prior arrangements through the Ministry of Foreign Affairs shall be required.
- 15.2 In the event that the honorary consular post is to hold a reception, a film and etc, at which the Lao side is invited to attend, the Honorary Consular Post shall submit the proposal to the office of international relations or the

cabinet of Province concerned 7 days well in advance for consideration. The Honorary Consular Post with its seat in Vientiane Capital shall submit the proposal to the Protocol Department for consideration.

- 15.3 In the event that there is a need for selection of members of the service staff or there are problems associated with premises, electricity, water supply and other similar services arising in respect of the exercise of consular functions, the honorary consular post shall have the right to communicate with individuals, legal entities and organizations concerned of the Lao side of its territorial jurisdiction with a view to solving the abovementioned problems in accordance with the laws and regulations of the Lao PDR.

Article 16. Use of communication means

- 16.1 The honorary consular post shall have the right to employ appropriate means of communication such as: correspondence, electronic communication equipment, telephone, fax and etc through the post and telecommunication systems of the Lao PDR.
- 16.2 The honorary consular post may employ consular bags, consular couriers, messages in codes and cipher, and wireless transmission to communicate with the Government, the diplomatic missions and other consular posts of the sending State only with the consent of the Government of the Lao PDR.

Article 17. Freedom of movement

Members of the honorary consular post are free to travel within the territory of the Lao PDR, except prohibited zones.

Article 18. Use of national flag and coat-of-arms

The honorary consular post shall have the right to fly the national flag and install coat-of-arms of the Sending State on honorary consular premises and on the residence of the head of honorary consular post.

Article 19. Inviolability of the consular archives and documents

Archives and documents of an honorary consular post shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of the honorary consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

Article 20. Immunities from jurisdiction

The honorary consular officers shall not be amenable to the jurisdiction of the judicial and administrative authorities of the Lao PDR and shall enjoy personal inviolability only in respect of acts performed in the exercise of their official functions. However, the provisions of the present Decree shall not apply in respect of a civil action either:

- arising out of a contract concluded by an Honorary Consular Officer in which he did not concluded pursuant to the authorization of the sending State; or
- by a third party for damage arising from an accident in the Lao PDR caused by a vehicle, vessel or aircraft.

Article 21. Liability to give evidence

Members of honorary consular posts may be called upon to attend as witnesses in the course of judicial or administrative proceedings. Members of honorary consular post are no under obligation to give evidence concerning matters connected with the exercise of their functions.

Article 22. Exemption from taxation and customs duties

The honorary consular posts may be permitted entry of, and granted exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of an honorary consular post : coat-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by the sending State to the honorary consular posts or at the request of the honorary consular posts. However, the import of the said articles shall be complied with the laws and regulations of the Lao PDR.

Article 23. Exemption from taxation of consular fees and charges

The honorary consular posts shall be permitted to levy in the territory of the Lao PDR the fees and charges provided by the laws and regulations of the Sending State for consular acts. The receipts for such fees and charges shall be exempt from all dues and taxes imposed by the Government of the Lao PDR.

Article 24. Family members of Honorary Consular Officers

Family members of honorary consular officers shall not enjoy privileges and immunities.

Article 25. Beginning and end of privileges and immunities

Honorary consular officers shall enjoy the privileges and immunities provided in the present Decree from the moment the Ministry of Foreign Affairs of the Lao PDR receives the notification of entering on his/her duties and such privileges and immunities shall cease at the moment his/her functions are terminated.

Article 26. Waiver of privileges and immunities

The Sending State may waive any of the privileges and immunities enjoyed by honorary consular officers provided in the present Decree. The waiver shall in all cases be express.

Article 27. Respect for the laws and regulations of the Lao PDR

Honorary consular officers enjoying privileges and immunities provided in the present Decree shall have the duties to:

- 27.1 respect the laws and regulations, including the custom and culture of the Lao PDR;
- 27.2 not interfere in the internal affairs of the Lao PDR;
- 27.3 The honorary consular premises shall not be used in any manner incompatible with the exercise of consular functions.

Article 28. Termination of Functions of an Honorary Consular Officer

Functions of honorary consular officers shall come to an end, *inter alia*:

- 28.1 on notification by the Sending State to the Government of the Lao PDR that his/her functions have been terminated;
- 28.2 not complying with the provisions of the present Decree;
- 28.3 violating the laws and regulations of the Lao PDR;
- 28.4 on notification by the Government of the Lao PDR to the Sending State that the Lao PDR has cease to consider him/her as honorary consular officer;
- 28.5 on the withdrawal of the exequatur;
- 28.6 upon notification by the Government of the Lao PDR to the Sending State that the honorary consular officers have been declared unacceptable (*persona non grata*). In that event, the Sending State shall, as the case may be, either recall the person concerned or terminate his/her functions according to the date provided in the aforesaid notification.
- 28.7 In the cases mentioned in paragraphs 28.4, 28.5 and 28.6 of this Article, the Government of the Lao PDR in its capacity as the Receiving State is under no obligation to give the Sending State reasons for its decision.

**Chapter VI
Final provisions**

Article 29. Implementation

The Ministry of Foreign Affairs and all relevant authorities have the duties to strictly implement the present Decree.

Article 30. Entry into force

The present Decree shall come into force as of the signing date.

**Prime Minister of the Lao PDR
(signed)**

Bouasone Bouphavanh

ເອກະສານຊ້ອຍທ້າຍ "ຂ"

Appendix B

ກະຊວງການຕ່າງປະເທດ

MINISTRY OF FOREIGN AFFAIRS

ແຈ້ງການເລີ່ມປະຕິບັດໜ້າທີ່ຂອງພະນັກງານກົງສຸນກິດຕິມະສັກ

NOTIFICATION OF COMMENCEMENT OF HONORARY CONSULAR OFFICER

ຊື່ສຳນັກງານ(Post Name): _____

ທີ່ຢູ່ສຳນັກງານ(Office Address): _____

ເຮືອນເລກທີ(House No) _____ ໜ່ວຍ(Unit No): _____ ບ້ານ(Village) _____

ເມືອງ(District) _____ ແຂວງ/ນະຄອນຫລວງວຽງຈັນ(Province / Vientiane Capital)

_____ ເລກທີຜັງໄປສະນີ (Postal Box Number) _____

ເບີໂທລະສັບ (Phone Number): _____ ລະຫັດແຂວງ/ນະຄອນຫລວງວຽງຈັນ

(Area Code) _____ ເບີແຟັກ(Fax Number): _____ ລະຫັດແຂວງ/ນະຄອນຫລວງວຽງຈັນ

(Area Code) _____ ໂມງເຮັດວຽກ (Hours of Business) : _____

30mmx40mm
(30mmX40mm)
ກະລຸນາຕິດຮູບໃສ່
ນີ້1ແຜ່ນ(please
paste one
photograph here)

1. ຊື່ ແລະ ນາມສະກຸນ (ກະລຸນາຂີດກ້ອງນາມສະກຸນ)

Full Name (please underline family name)

- ຊື່ ແລະ ນາມສະກຸນ (Full Name) : _____
- ນາມມະຍົດ (Title) : (e.g. Mr. Mrs. Ms. Dr, etc)
- ວັນເດືອນປີເກີດ (Date of Birth) : _____ / _____ / _____
- ເພດ(sex) : ຊາຍ (Male)/ ຍິງ(Female)
- ສະພາບຄອບຄົວ (Marital Status) : ແຕ່ງງານ (Married)/ ໂສດ(Single)

1.1 ລາຍລະອຽດກ່ຽວກັບຄູ່ສົມລົດ(Spouse Details)

- ຊື່ ແລະ ນາມສະກຸນ (Full Name) : _____
- ນາມມະຍົດ (Title) : (e.g. Mr. Mrs. Ms. Dr, etc)
- ວັນເດືອນປີເກີດ (Date of Birth) : _____ / _____ / _____

2. ໜ້າທີ່ຮັບຜິດຊອບຢູ່ສຳນັກງານ (Position at Post) : (eg. Honorary Consul)

- ຕຳແໜ່ງ (Title): _____
- ຂອບເຂດການເຄື່ອນໄຫວກົງສຸນທີ່ໄດ້ຮັບອະນຸຍາດ(Approved Jurisdiction): _____
- ວັນເດືອນປີໃຫ້ຄວາມເຫັນຊອບ(Date of Exequatur) _____ / _____ / _____
- ວັນເດືອນປີເລີ່ມປະຕິບັດໜ້າທີ່ (Commenced duty) _____ / _____ / _____

3. ລາຍລະອຽດກ່ຽວກັບສັນຊາດ(Citizenship Details)

ສັນຊາດປະຈຸບັນ (Current Citizenship) _____ ເຊື້ອຊາດໂດຍກຳເນີດ (At Birth) _____ ຖືສັນຊາດອື່ນ(A
other) _____ ຖ້າບໍ່ແມ່ນຄົນສັນຊາດລາວ, ພະນັກງານກົງສຸນກິຕິມະສັກມີພູມລຳເນົາຖາວອນຢູ່ ສປປ ລາວຫລືບໍ່? (if n
a Lao citizen, does officer possess Lao permanent resident status? ແມ່ນ(Yes): _____ ບໍ່ແມ່ນ(No): _____

4. ທີ່ຢູ່ເຮືອນພັກ(Residential Address):

ເຮືອນເລກທີ(House Number) _____ ຫ່ວຍ (Unit) _____ ບ້ານ(Village) _____
ເມືອງ(District) _____ ແຂວງ/ນະຄອນຫລວງຈັນ (Province/Vientiane Capita
ເບີໂທລະສັບ:(Phone Number) _____
ເບີໂທລະສັບມືຖື(Mobile number): _____

5. ຊື່ພິມລົງໃນລາຍຊື່ກົງສຸນ(Name to be printed in consular list):

ພະນັກງານກົງສຸນກິຕິມະສັກ(Honorary Consular Officer): _____

ຄູ່ສົມລົດ(Spouse): ຕາມຂໍ້ 1.1 (complete section 1.1) _____

6. ກະລຸນາຕິດຂັດມາພ້ອມນີ້ (please ensure the following documentation is attached):

- ສຳເນົາໜັງສືຜ່ານແດນສຳລັບຄົນຕ່າງປະເທດ, ສຳເນົາບັດປະຈຳຕົວສຳລັບຄົນລາວ(Photocopy of Passport for Foreigner, Photocopy of Identity Card for Lao Citizen)
- ຮູບ 2 ແຜ່ນ, ແຜ່ນ 1 ຕິດໃສ່ຄຳຮ້ອງ (2-Photographs, one affixed to application)

ສຳລັບເຈົ້າໜ້າທີ່ພິທີການເທົ່ານັ້ນ (For Protocol use only)

ບັດປະຈຳຕົວເລກທີ (Identity Card Number) : _____

ມີອາຍຸໃຊ້ໄດ້ເຖິງ (Valid until)

: ວັນທີ(Date) _____ ເດືອນ (Month) _____ ປີ (year) _____