

No. 7495

**JAPAN
and
UNITED STATES OF AMERICA**

**Consular Convention (with Protocol). Signed at Tokyo,
on 22 March 1963**

Official texts: Japanese and English.

Registered by Japan on 25 November 1964.

**JAPON
et
ÉTATS-UNIS D'AMÉRIQUE**

**Convention consulaire (avec Protocole). Signée à Tokyo,
le 22 mars 1963**

Textes officiels japonais et anglais.

Enregistrée par le Japon le 25 novembre 1964.

No. 7495. CONSULAR CONVENTION¹ BETWEEN JAPAN
AND THE UNITED STATES OF AMERICA. SIGNED
AT TOKYO, ON 22 MARCH 1963

Japan and the United States of America,

Being desirous of regulating the consular affairs of one country in the territories of the other,

Have decided to conclude a Consular Convention and have appointed as their Plenipotentiaries for this purpose

Japan :

Masayoshi Ohira, Minister for Foreign Affairs, and

The United States of America :

Edwin O. Reischauer, Ambassador Extraordinary and Plenipotentiary

Who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows :

PART I

APPLICATION AND DEFINITIONS

Article 1

The territories of the High Contracting Parties to which the provisions of this Convention apply shall be understood to comprise all areas of land and water subject to the sovereignty or authority of either High Contracting Party, except the Panama Canal Zone.

Article 2

For the purpose of this Convention :

- (1) The term "sending state" means the High Contracting Party by which a consular officer is appointed ;

¹ Came into force on 1 August 1964, the thirtieth day after the date of the exchange of the instruments of ratification which took place at Washington on 2 July 1964, in accordance with article 27 (1).

(2) The term "receiving state" means the High Contracting Party within whose territories a consular officer of the sending state exercises his functions ;

(3) The term "nationals" means

(a) in relation to the United States of America, all citizens of the United States and all persons under the protection of the United States, including, where the context permits, all juridical entities duly created in or under the laws of any of the territories of the United States to which the Convention applies ;

(b) in relation to Japan, all persons possessing the nationality of Japan, including, where the context permits, all juridical entities duly created under the laws of Japan ;

(4) The term "person" shall be deemed to include any individual or juridical entity ;

(5) The term "vessel", unless otherwise specified, means any ship or craft documented under the laws of any of the territories of the sending state to which the Convention applies ;

(6) The term "consular office" shall, when used to describe or identify physical property, be deemed to refer to the premises used by the sending state for the conduct of official consular business ;

(7) The term "consular establishment" shall be deemed to include all immovable property used or held by the sending state for a consular office, for residences for one or more consular officers or employees or for related purposes, all movable property required to furnish, equip and operate such immovable property and, in general, all property needed for the effective performance of consular functions, including vehicles, vessels and aircraft ;

(8) The term "consular officer" means any individual authorized by the sending state to exercise consular functions who is granted an exequatur or provisional or other authorization by the appropriate authorities of the receiving state ;

(9) The term "consular employee" means any individual, other than a consular officer, who performs administrative or technical work or belongs to the service staff of a consular office provided that his name has been duly communicated to the appropriate authorities of the receiving state in accordance with the provisions of paragraph (2) of Article 6 ;

(10) The term "archives" shall be deemed to include official correspondence, documents, papers, books, records, cash, stamps, seals, filing cabinets, safes and other similar items held or used for official purposes ;

- (11) The term "local subdivision" shall be deemed to refer to any political or administrative subdivision of one of the High Contracting Parties, including, by way of example and not by way of limitation, any state, prefecture, county or municipality ;
- (12) The term "authorities of the receiving state" shall be deemed to include the authorities of the receiving state and of any local subdivision thereof ;
- (13) The term "laws" shall be deemed to include the laws, decrees, regulations, ordinances and similar measures having the force of law in the territories of either High Contracting Party or in any local subdivision thereof.

PART II

APPOINTMENTS AND DISTRICTS

Article 3

- (1) The sending state may establish and maintain consular offices in the territories of the receiving state at any place where the receiving state agrees to the establishment thereof.
- (2) The sending state may, subject to the right of the receiving state to object thereto, prescribe the limits of its consular districts in the receiving state and shall keep the receiving state informed of such limits.
- (3) A consular officer may, upon notification to and in the absence of objections from the receiving state, perform consular functions outside his consular district.

Article 4

- (1) The sending state may assign or appoint consular officers of such number and rank as it may deem necessary to any of its consular offices in the receiving state. The sending state shall notify the receiving state in writing of the assignment or appointment of a consular officer to a consular office in the receiving state.
- (2) The receiving state shall, on presentation of the officer's commission or other notification of assignment or appointment, grant as soon as possible and free of charge such consular officer an exequatur or other authorization to perform consular functions. The receiving state shall, when necessary, pending the grant of an exequatur or other authorization, grant the consular officer a provisional authorization.
- (3) The receiving state may not refuse to grant an exequatur or other authorization without good cause.

(4) The receiving state shall not, except as otherwise specifically provided in this Convention, be deemed to have consented to having a consular officer acting as such or to have extended to him the benefits of this Convention prior to the grant of an exequatur or other authorization, including provisional authorization.

Article 5

(1) The receiving state shall, upon request, inform without delay its appropriate authorities of the name of any consular officer entitled to act under this Convention.

(2) As an official agent of the sending state, a consular officer shall be entitled to special protection and to the high consideration of all officials of the receiving state with whom he has official intercourse.

(3) The receiving state may revoke the exequatur or other authorization of a consular officer whose conduct has given serious cause for complaint. The reason for such revocation shall, upon request, be furnished to the sending state through diplomatic channels.

Article 6

(1) A consular officer or employee may be assigned temporarily in an acting capacity to perform duties of a consular officer who has died or is unable to act through illness, absence or other cause. Pending the return of the former officer, the assignment of a new officer or the confirmation of the acting officer, such acting officer may perform the duties and enjoy the benefits of the provisions of this Convention upon notification to the Government of the receiving state.

(2) The sending state shall be free to employ the necessary number of consular employees at its consular offices, but the appropriate authorities of the receiving state shall be informed of the name and address of each employee. It will be for the Government of the receiving state to designate the particular authority to whom this information is to be given.

(3) The sending state may, with the permission of the receiving state, and in accordance with the provisions of Article 4, assign one or more members of its diplomatic mission accredited to the receiving state to the performance of consular functions. Such members shall be entitled to the benefits, and be subject to the obligations, of this Convention, without prejudice to any additional personal privileges to which they may be entitled by virtue of being members of the diplomatic mission of the sending state.

(4) The receiving state may refuse to accept a size of the consular staff exceeding what is reasonable and normal having regard to circumstances and conditions in the consular district, and to the needs of the particular consular office.