

# Honorary Consul Rules, 2039 (1982)

## Date of publication in Nepal Gazette

2039.9.12 (27 Dec. 1982)

## Amendment:

Rules Related to the Honorary Consul

(First Amendment), 2061

2061.11.17 (28 Feb. 2005)

In exercising the power conferred by Section 2 of the Administrative Procedure (Regulation) Act, 2013, the Government of Nepal has formulated the following Rules:-

## Chapter-1

### Preliminary

1. **Short title and Commencement:** (1) These Rules may be called as "Rules Relating to the Honorary Consul, 2039 (1982)".

(2) These Rules shall come into force immediately.

2. **Definition:** Unless the subject or context otherwise requires, in these Rules:-

(a) "Ministry" means the Ministry of Foreign Affairs of Government of Nepal.

(b) "Minister" Means the Minister for Foreign Affairs of Government of Nepal.

- (c) "Ambassador" means Nepalese Ambassador accredited to any other country which has a friendship relation with Nepal.
- <sup>1</sup>(d) "Consular District" means any area of any country specified by the Government of Nepal, assigned for an Honorary Consul to exercise the functions related to Consular Relation.
- <sup>2</sup>(e) "Honorary Consul" means Consuls or Consuls-General to be appointed in condition of not receiving any type of remuneration and the term also refers to Vice-consuls.
- (f) "Letter of Commission" means a letter of appointment given by the head of state or other concerned office bearer of a country, to a person to act as an Honorary Consul.
- (g) "Exequatur" means a letter of acceptance given by the Head of State or other concerned office bearer of a country of the Consular District to an Honorary Consul who has received the letter of commission, recognizing him/her as an Honorary Consul.
- (h) "Convention" means the Vienna Convention on Consular Relations 1963 passed by UN Conference on Consular Relations held in Vienna in 1963 A.D.
- <sup>3</sup>(i) "Receiving State" means the country of residence of an Honorary Consul receiving letter of commission pursuant to these Rules.

---

<sup>1</sup> Inserted by First Amendment..

<sup>2</sup> Inserted by First Amendment..

<sup>3</sup> Inserted by First Amendment..

## Chapter-2

### Appointment

<sup>4</sup>3. **Appointment of an honorary consul:** (1) The Government of Nepal shall appoint an Honorary Consul on the recommendation of the ambassador.

(2) If it is realized to the Government of Nepal that the person appointed pursuant to Sub-rule (1) has performed appreciable job then on the recommendation of ambassador he/she may be appointed as an honorary consuls-general after two years.

(3) If an honorary consuls-general or an honorary consul makes request to the Government of Nepal to appoint an honorary vice-consul, in his/her consular district with reason for such necessity, an honorary vice-consul may be appointed on the recommendation of the ambassador.

(4) Notwithstanding anything contained anywhere in these Rules, if a recommendation on appropriateness of the appointment of any person as an honorary consuls-general at the first stance on the following basis has been received from an ambassador, the Government of Nepal may appoint such person as an honorary consuls-general at the first stance:-

- (a) The reputation and admiration achieved by him/her in the receiving state,
- (b) His/her good faith to Nepal,
- (c) The contribution made by him/her to enhance the economic and commercial relationship between

---

<sup>4</sup> Amended by First Amendment.

Nepal and receiving state in government or non government sector,

- (d) The height of a study or research and published work related to Nepal made by him/her,
- (e) The contribution made by him to promote the name and image of Nepal in receiving state or international forum or community.

**<sup>5</sup>3a. Qualification for honorary consul:** The following qualification shall be required to a person to be appointed as an honorary consul pursuant to Rule 3.

- (a) Completed the Twenty Five years of age,
- (b) Involving in any commerce, business or occupation and has achieved a status of a renowned person in the receiving state,
- (c) Possessing high moral character,
- (d) Having good faith to Nepal.

**4. Disqualification:** Generally, the citizen of a country other than the one, where the consular district for which consul has to be appointed is situated shall not be appointed as an honorary consul.

Provided that, the citizen of other country if already has been appointed as an honorary consul by another country, may be appointed as an honorary consul.

**5. Procedures:** The appointment of honorary consul shall be made pursuant to the procedures mentioned in Articles 9, 10, 11, 12, 13 and 14 of part One of Chapter One of the Convention.

---

<sup>5</sup> Inserted by First Amendment.

6. **Letter of Commission:** Generally the Minister shall give the letter of commission to the honorary consul.

7. **Tenure of the office:** (1) The tenure of the office for the honorary consul shall be for Four years.

Provided that, Government of Nepal may remove an honorary consul at any time even before completing the Four years tenure if the concerned ambassador makes recommendation stating that the honorary consul has not performed his functions satisfactorily.

(2) If an ambassador makes recommendation that any honorary consul has performed appreciable job and the minister also agrees on such recommendation, the Government of Nepal may extend the tenure of the office of such honorary consul for another Four years term.

<sup>6</sup> .....

8. <sup>7</sup> .....

9. **The Terms of office:** (1) The ambassador shall fully apprise the newly appointed consul about his/her duties and responsibilities, after his appointment as an honorary consul.

(2) The newly appointed honorary consul shall make a written affidavit mentioning that he/she shall not perform any activity which shall be unsurpassed to his/her position and against the interest of Nepal and the ambassador shall forward that affidavit to the ministry.

(3) Only after making a document pursuant to Sub-rule (2), the ambassador shall handover the letter of commission, national flag and seal of the office to the newly appointed honorary consul.

---

<sup>6</sup> Deleted by First Amendment.

<sup>7</sup> Repealed by First Amendment.

<sup>8</sup>(3a) Honorary consul shall establish a consular post (an office of honorary consul) of Nepal with the consent of the receiving state in the proper place of the consular district for which he/she has been appointed and shall give the information of such establishment to the ambassador and ministry and he/she may use the Nepalese flag on the building where such post is situated.

(4) After completion of the tenure of office of an honorary consul he/she shall return national flag and the seal of the office to the ambassador.

### Chapter3

#### **Functions, Duties ,Responsibilities and Evaluation**

**10. Function, Duties and Responsibility of Honorary Consul: (1)**

The Functions, Duties and Responsibilities of an honorary consul shall be as according to Article 5 Part First Chapter First of the Convention.

<sup>9</sup>(1a) without affecting the entire generality of Sub-rule (1), the honorary consul shall perform the following functions subject to the prevailing law of the receiving state.

- (a) To provide information to the ministry and other concerned body of government or private sector, after identifying the new sectors of trade in goods for promoting the bilateral trade between Nepal and receiving state,
- (b) To perform the required function to make or to enhance the foreign direct investment in Nepal,

---

<sup>8</sup> Inserted by First Amendment.

<sup>9</sup> Inserted by First Amendment.

- (c) To provide the information to the ministry identifying that whether there has been probability of foreign employment in the receiving state and to take required initiation to provide, the employment for Nepalese human resources in the receiving state,
- (d) To promote the tourism development of Nepal by inspiring the citizens of receiving state or other countries to visit Nepal,
- (e) To provide the advice to the ambassador in taking initiation with the receiving state, If there are the provisions of special consideration for the entry of any goods of least developed countries or developing countries in the receiving state, then to apply such provisions for the Nepalese goods or to increase the quantity of such goods,
- (f) To make available the required suggestions to the ambassador by providing the information about the action to be taken to enhance the economic, trade, cultural and scientific relation and cooperation between Nepal and the receiving state,
- (g) To take necessary initiation in involving the non-resident Nepalese and any representative organization of them if exists in the receiving state, in the social and economic development of Nepal, by maintaining the regular contact with such organization,
- (h) To function as a contact point between the representative organizations of private sectors in

industries, commerce or tourism sectors in Nepal and such organizations in receiving state,

- (i) To take necessary initiation, if a modern technology of any sector available in receiving state has been required to introduce in Nepal, after making the consultation with the ambassador about it,
- (j) To perform any other function prescribed by Government of Nepal in increasing the mutual assistance in economic, trade, cultural or science and technology sector between Nepal and receiving state.

<sup>10</sup>(2) An Honorary consul after making the study on the policies related for foreign, economic, commercial, Industrial, tourism, foreign employment and foreign investment of Nepal shall provide such information to the concerned person or institution in the receiving state.

<sup>11</sup>(2a) an honorary consul for the purpose of Sub-rule (2) may make required discussions, conduct meetings and consultative meetings with the representatives of trade, foreign employer and non-government Nepalese and other concerned sectors in the receiving state.

(3) It shall be the special duty of an honorary consul, to perform necessary actions to promote the trade between the consular district of his or her appointment or the district where that consular district is situated or the province where that consular district is situated or the country where that consular district is situated and Nepal, in consultation with the ambassador.

---

<sup>10</sup> Amended by First Amendment.

<sup>11</sup> Inserted by First Amendment.

Provided that, without prior consent the talks related to trade promotion may not be initiated with the concerned party of the country for which he/she has been appointed.

(4) The Honorary consul shall send the progress report pursuant to the subject mentioned in Sub-rule (3) to the ambassador in each three months and Ambassador shall also send the report received by him/her to the ministry.

<sup>12</sup>(5) The Honorary consul may issue tourist visa to a foreigner intending to visit Nepal after taking the fees prescribed in time to time by Government of Nepal.

Provided that, the Gratis Visa may be issued to the ex-head of state, ex-head of government, ex-foreign minister, popular and honorable person or ex-honorary consul of the country of the consular district, taking prior approval from the ministry or ambassador.

(6) The Honorary consul shall have to send the detail statement of revenue received out of the issuance of visa to the ambassador at the end of every month.

<sup>13</sup>(7) The Honorary consul may take additional twenty percent amount on the amount received pursuant to Sub-rule (6) as a service charge and the additional amount thus received may be spent on office operation and trade and tourism promotional activities.

<sup>14</sup>(7a) The Honorary consul shall submit (pay) the amount of money received pursuant to Sub-rule (6) to the ambassador in every three month and the Ambassador shall keep the record of such received amount in the revenue ledger of the embassy where he/she has been designated and shall give such information to the ministry.

---

<sup>12</sup> Amended by First Amendment.

<sup>13</sup> Amended by First Amendment.

<sup>14</sup> Inserted by First Amendment.

(8) An honorary consul shall have to provide all types of help, proper honor and required assistance as possible as to the special person coming from Nepal for visit according to the instruction of the ambassador.

(9) An honorary consul shall send a report of conversations made as an honorary consul during the official or courtesy meeting with the different persons after preparing it, to the ambassador and Ambassador shall send such report to the ministry.

<sup>15</sup>**11. Performance Evaluation of Honorary Consul:** (1) Ambassador shall send the level of performance evaluation of honorary consul within the first three months of every fiscal year to the Government of Nepal.

(2) On the performance evaluation pursuant to Sub-rule (1), the following matters shall be considered:-

- (a) General details of works performed by him/her in one year,
- (b) The amount of fees received during the issuance of visa and the amount of revenue received from such issuance by Government of Nepal
- (c) The report sent by he/she pursuant to these Rules,
- (d) His/her manner towards visitors who are visiting Nepal, and
- (e) The manner shown by he/she towards the Nepal citizen visiting the consular district.

(3) Government of Nepal may make proper honor to the honorary consul who shall be found excellent on performance level evaluation

---

<sup>15</sup> Amended by First Amendment.

made pursuant to Sub-rule (1) and the honorary consul whose performance level is not found satisfactory, may not be reappointed by Government of Nepal.

## Chapter-4

### **Appointment of Honorary consul in Nepal by a country having a friendship relationship**

12. **Appointment by Country having friendship:** (1) Any country having friendship if desires, may appoint an honorary consul in a consular district of Nepal.

(2) The appointment of honorary consul may only be made pursuant to the procedures and terms mentioned in the convention.

13. **Restriction on Privileges and Immunities:** Notwithstanding anything contained in the convention, any country having friendship if appoints a Nepalese citizen as an honorary consul in any consular district in Nepal, then the <sup>16</sup>facilities, privileges and immunities to be granted to such honorary Consul shall be in accordance to the decision made by the Government of Nepal, under the article 71 of the Convention.

14. **The Exequatur:** Generally the minister shall issue an acceptance letter (exequatur) to an honorary consul appointed for a consular district of Nepal, by a country having friendship.

---

<sup>16</sup> Amended by First Amendment..

## Chapter-5

### Miscellaneous

- 15. Prevailing the Convention:** The convention shall be fully adopted in relation to the honorary consul.

Provided that, if a Nepalese citizen shall be appointed as an honorary consul in a consular district of Nepal by any country having friendship relation, the privilege and immunities of such honorary consul shall be pursuant to Rule 13.

- <sup>17</sup>**15a. May organize consultative meeting:** (1) An Ambassador may organize a consultative meeting of honorary consuls appointed in a country or countries for which he/she has appointed, in time and again.

(2) In the meeting called pursuant to Sub-rule (1), the assessment shall be made on economic, trade, commercial, cultural and scientific and technological relations between Nepal and the consular district for which the honorary consul has appointed.

(2) The ambassador shall send the report of the assessment made pursuant to Sub-rule (2) to the ministry.

- 16. Repeal:** All the decisions related to honorary consul made before this are repealed.

---

<sup>17</sup> Inserted by First Amendment.