

**Requirements for the Establishment of Consular Posts Headed by
Honorary Consular Officers
and the Appointment of Honorary Consular Officers
in the Kingdom of Thailand**

The Royal Thai Government, as the receiving State, sets forth the requirements for the establishment of consular posts headed by honorary consular officers and the appointment of honorary consular officers in the Kingdom of Thailand in accordance with the Vienna Convention on Consular Relations 1963 as follows:

1. Request for the Establishment of an Honorary Consulate and the Appointment of an Honorary Consul, including the Request for the Change of Classification

1.1 Procedures

1.1.1 The sending State shall submit a note verbale to the Royal Thai Government, requesting for an approval on the establishment of an honorary consulate. Such request may be submitted together with the appointment of an honorary consul as head of consular post through diplomatic channels (via the Royal Thai Embassies or the Ministry of Foreign Affairs). The following information shall be submitted for consideration:

(a) purposes and justifications for the establishment of an honorary consulate as well as its consular district, scope of work, responsibilities, functions; in particular, information regarding the economic, industrial, trade and investment links, and consular necessity, as well as the necessity for the protection of nationals in the consular district that the sending State requests to establish an honorary consulate and/or to expand the consular districts of an existing honorary consulate;

(b) physical address, colour photographs and descriptions of the premises to be used as the honorary consulate for the appropriate security protection measures to be considered by the Thai side, as well as to be in line with the scope of work of the mission;

(c) full name of the person nominated to be appointed as the honorary consul, as well as an up-to-date detailed curriculum vitae with colour photograph, contact information, and qualifications. The term of duty of the honorary consul may also be indicated;

(d) detail of roles, duties and scope of responsibilities of the honorary consul.

1.1.2 Upon receiving the approval from the Royal Thai Government, the sending State shall submit an original Letter of Commission appointing the honorary consul to the Royal Thai Government so that the exequatur can further be issued.

The honorary consul's duties shall commence upon the issuance of the exequatur by the Royal Thai Government.

1.1.3 The sending State may request for the change of classification from an honorary consul to an honorary consul-general when the honorary consul has exercised his or her functions as head of consular post for no less than 10 years from the date of issuance of the exequatur by the Royal Thai Government. At the same time, the sending State may request for the change of classification from an honorary consulate to an honorary consulate-general.

If the position of the head of consular post of the honorary consulate-general becomes vacant, the classification of the honorary consulate-general shall be considered on the basis of reciprocity.

1.1.4 Where there is an existing honorary consul-general, the sending State may request approval for an appointment of an honorary consul to support the work of the honorary consul-general at the same consular post. However, the functions of the honorary consul shall be terminated upon the termination of the honorary consul-general's functions, for whatever reason.

1.1.5 The sending State or honorary consul-general or honorary consul may request approval for an appointment of an honorary vice-consul to support the work of the honorary consul-general or honorary consul at the same consular post. However, the functions of the honorary vice-consul shall be terminated upon the termination of the honorary consul-general's or honorary consul's functions, for whatever reason.

1.1.6 In the case where the sending State wishes to relocate the consular post headed by an honorary consular officer from one province to another, prior permission from the Royal Thai Government must be obtained before such relocation. A new Letter of Commission must also be submitted.

1.1.7 The Royal Thai Government will issue an exequatur only to the head of consular post (in a consular post with an honorary consul-general, no exequatur will be issued to the honorary consul or honorary vice-consul).

1.1.8 After the resignation or termination of functions of the honorary consul-general/honorary-consul, if the sending State does not nominate a new honorary-consul or does not notify the closure of the honorary consulate-general/honorary consulate within two years, the honorary consulate-general/honorary consulate shall be deemed permanently closed, and if the sending State wishes to open the honorary consulate in the future, the sending State must request for prior approval from the Royal Thai Government.

1.2 Criteria for the consideration of the sending State's request

1.2.1 Purposes/justifications/consular districts/scope of work, functions, and responsibilities of the consular post headed by an honorary consular officer as necessary and as appropriate. The following criteria shall be considered:

(a) The sending State may establish no more than two consular posts headed by an honorary consular officer in the Kingdom of Thailand or as agreed upon the basis of reciprocity while also taking into account the protection of Thai nationals in the sending State. Where a sending State already has more than two consular posts headed by an honorary consular officer in the Kingdom of Thailand, the excess consular posts may continue to operate until the end of the term of the concerned heads of consular posts;

(b) The sending State may designate additional consular districts to cover various provinces in accordance to the functions and necessities, and the consular post must be located in the province of the main consular district;

(c) The main consular district, which shall also be the name of the consular post headed by an honorary consular officer, shall be designated at the provincial level. The main consular district must cover the entire province(s) and shall not be permitted to cover only certain cities, districts, sub-districts, or areas in such province(s);

(d) Consular districts shall be designated in provinces located in the same region as, or within geographical proximity of, the consular post headed by an honorary consular officer;

(e) A consular post headed by an honorary consular officer with a consular district throughout the Kingdom of Thailand, shall in principle be located in Bangkok. Exception may however be granted on a case by case basis for reason of necessity.

1.2.2 Location and consular districts of the consular post headed by an honorary consular officer. The following criteria shall be considered:

(a) The establishment of a consular post headed by an honorary consular officer in Bangkok shall not be permitted if the sending State already has an existing diplomatic mission. It is also not permitted for the sending State to retain a consular post headed by an honorary consular officer in Bangkok if the sending State wishes to establish a diplomatic mission in Bangkok;

(b) The establishment of a consular post headed by an honorary consular officer in Bangkok or other provinces shall not be permitted if the sending State already has an existing consular post headed by a career consular officer in Bangkok or other provinces. It is also not permitted for the sending State to retain an existing consular post headed by an honorary consular officer in Bangkok or other provinces if the sending State wishes to establish a new consular post headed by a career consular officer in Bangkok or in the same province.

In the case that the sending State has already established a consular post headed by an honorary consular officer in Bangkok or in other province(s) prior to the issuance of these Requirements, and the sending State later wishes to establish a diplomatic mission or a consular post headed by a career consular officer in Bangkok or in the same province(s) as the consular post headed by an honorary consular officer, the said consular post headed by an honorary consular officer may continue to operate for another 10 years from the date that these Requirements come into effect or until the termination of the functions of its head of consular post, or until the sending State terminates the operation of the honorary consulate-general/honorary consulate. In such cases, when the functions of its head of consular post has been terminated, the consular post headed by an honorary consular officer in Bangkok or the province(s) shall be deemed permanently closed and an appointment of an honorary consul as its new head of consular post shall not be permitted;

(c) The establishment of a consular post headed by an honorary consular officer with the same consular district(s) as an existing consular post headed by a career or honorary consular officer shall not be permitted.

1.2.3 The request of the sending State shall be considered on the basis of reciprocity.

2. Qualifications of an Honorary Consular Officer

2.1 The Royal Thai Government will consider a request for the appointment of an honorary consular officer in accordance with the following qualifications and requirements:

2.1.1 hold Thai nationality or the nationality of the sending State;

2.1.2 reside in the province where the honorary consulate-general /honorary consulate is located, or where the sending State proposes to establish a consular post headed by an honorary consular officer, and is competent and familiar with local conditions to perform his or her duties in the province(s) in the consular district;

In the case where the honorary consular officer holds the nationality of the sending State, he or she must have a permanent residence in Thailand or hold a long stay visa in Thailand;

2.1.3 provide proof that he or she has a lawful occupation with verifiable location and proof of financial stability;

2.1.4 provide a confirmation from the sending State that he or she does not have a criminal record and has never been sentenced to imprisonment by a judgement in a criminal case, except for an offence committed by negligence or a petty offence;

2.1.5 must not hold a political office, either at a national or local level, to avoid the issue of conflict of interests. This requirement also applies to the nominated person's spouse;

2.1.6 must not be appointed as an honorary consular officer of another State; and/or must not apply for such positions of another State.

2.2 The abovementioned provisions of these Requirements shall not be applicable to honorary consular officers who were appointed prior to these Requirements becoming effective who may continue to perform their functions until their resignation or the termination of their functions.

3. Termination of Functions of the Honorary Consular Officers

3.1 The term of an honorary consular officer shall come to an end under the following conditions:

3.1.1 completion of the term of office without renewal;

3.1.2 retirement without renewal;

3.1.3 resignation;

3.1.4 being sentenced to imprisonment by a judgment in a criminal case, except for offences committed by negligence or petty offences;

3.1.5 being convicted by a final judgment for an offense relating to the law of narcotics;

3.1.6 being declared a bankrupt person;

3.1.7 being of unsound mind or of mental infirmity;

3.1.8 notification by the sending State to the Ministry that his or her functions have come to an end;

3.1.9 inability to perform the functions or death;

3.1.10 being discharged from the position;

3.1.11 termination of functions under 1.1.4 and 1.1.5.

3.2 The sending State shall inform the Royal Thai Government by a note verbale through diplomatic channels of the termination of functions of the honorary consular officer.

3.3 The Royal Thai Government may revoke the consent for the appointment or the exequatur, or suspend or terminate the performance of functions of an honorary consular officer at any time, on the grounds of his or her improper conduct or any other reasonable grounds.

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