



**Regulation of the Ministry of Foreign Affairs
Governing the Appointment and Functions of
Honorary Consular Officers of the Kingdom of Thailand
B.E. 2563 (2020)**

Whereas it is appropriate to amend the “Regulation of the Ministry of Foreign Affairs Governing the Appointment and Functions of Honorary Consular Officers of the Kingdom of Thailand B.E. 2536 (1993)” to correspond to the evolving roles and functions of honorary consular officers under current global political, security, and economic environment, as well as to comply with international law including customary international law;

By virtue of Section 20 of the State Administration Act B.E. 2534 (1991) as amended by the State Administration Act (No. 5) B.E. 2545 (2002) and Article 2 (10) of the Ministerial Regulation on the Government Agencies of the Permanent Secretary Office of the Ministry of Foreign Affairs B.E. 2558 (2015), and Article 5 of the Consular Privileges and Immunity Act B.E. 2541 (1998), the Minister of Foreign Affairs hereby issues the regulation as follows:

Article 1 This Regulation is called the “Regulation of the Ministry of Foreign Affairs Governing the Appointment and Functions of Honorary Consular Officers of the Kingdom of Thailand B.E. 2563 (2020)”

Article 2 This Regulation shall enter into force sixty (60) days after the date of publication in the Royal Gazette, except Article 30 and Article 48 which shall enter into force three hundred and sixty-five (365) days after the date of publication in the Royal Gazette.

Article 3 The “Regulation of the Ministry of Foreign Affairs Governing the Appointment and Functions of Honorary Consular Officers of the Kingdom of Thailand B.E. 2536 (1993)” shall be repealed, except Article 28 – 33, Article 39 – 44, Article 50, Article 51 (b), Article 53, and Article 54 shall remain in force until Article 30 and Article 48 of this Regulation have entered into force.

All other regulations, by-laws, or orders which are inconsistent with the provisions of this Regulation are superseded by this Regulation.

Article 4 The Permanent Secretary of the Ministry of Foreign Affairs is in charge and control of the execution of this Regulation.

Chapter 1 **Definitions**

Article 5 In this Regulation:

“Honorary consular officer” means any person appointed by the Kingdom of Thailand to be an honorary consular officer of the Kingdom of Thailand in one of the three categories, namely:

- (1) Honorary Consul-General,
- (2) Honorary Consul,
- (3) Honorary Vice-Consul.

“Ministry” means the Ministry of Foreign Affairs.

“Embassy” means the Royal Thai Embassy which is located in, or whose area of jurisdiction covers, the country in which the honorary consular officer is appointed to perform his or her functions.

“Consulate-General” means the Royal Thai Consulate-General in which government officers perform their functions as career consular officers and which is located in, or whose consular district covers, the country in which the honorary consular officer is appointed to perform his or her functions.

“Consular Post” means the consular post headed by an Honorary Consul-General or an Honorary Consul, and whose consular district covers, the area in which the receiving State and the Cabinet approve respectively.

Chapter 2 **Appointment, Term of Office, Suspension and Termination of Functions of Honorary Consular Officers**

Part 1 **Committee**

Article 6 The Embassy or the Consulate-General, as the case may be, shall appoint a committee, called “the Committee on Nomination and Evaluation of Honorary Consular Officers of the Kingdom of Thailand to Foreign States,” hereinafter referred to as “Committee on Nomination and Evaluation,” comprised of a Chairperson of the Committee and at least two officials from the Embassy or the Consulate-General, as the case may be.

The Committee on Nomination and Evaluation shall have the powers and duties as follows:

- (1) to seek for candidates, verify candidates’ qualifications and submit a list of more than one but not exceeding three candidates (unless there is only one qualified candidate);

(2) to evaluate and report work performance of an Honorary Consul-General or an Honorary Consul annually to the Ministry in March;

(3) to consider and provide preliminary opinions regarding renewal of the term of office and termination of functions of an Honorary Consul-General or an Honorary Consul;

(4) to perform other functions stipulated in this Regulation or those which the Permanent Secretary of the Ministry or his or her representative may assign.

Article 7 The Ministry shall appoint a committee called “the Committee on Consideration of the Appointment, Term of Office, and Discharge of Functions of Honorary Consular Officers of the Kingdom of Thailand to Foreign States”, hereinafter referred to as “Committee on Consideration of the Appointment and Discharge”, chaired by the Permanent Secretary of the Ministry, or the person he or she may assign, and comprised of an adequate number of the Committee members, of which at least the relevant representatives are from the Bilateral Relations Cluster of the Ministry, namely; Department of East Asian Affairs, Department of South Asian, Middle East and African Affairs, Department of European Affairs, and Department of American and South Pacific Affairs, as well as representatives from Department of Consular Affairs, Department of Protocol, Department of Treaties and Legal Affairs, and Office of Policy and Planning.

The Committee on Consideration of the Appointment and Discharge shall have the powers and duties as follows:

(1) to consider an appointment of an Honorary Consul-General or an Honorary Consul from the list proposed by the Committee on Nomination and Evaluation, as specified in Article 9;

(2) to consider an appointment of Honorary Vice-Consul from the candidate nominated by Honorary Consul-General or Honorary Consul, as specified in Article 10;

(3) to consider the extension of the term of office of Honorary Consuls-General or Honorary Consuls as specified in Article 9 and Article 14;

(4) to consider the termination and discharge from functions of honorary consular officer as specified in Article 18;

(5) to consider the evaluation results and the annual work performance reports of an Honorary Consul-General or an Honorary Consul as specified in Article 6, for the Committee’s consideration according to subparagraph (3) and (4);

(6) to perform other duties stipulated in this Regulation or those which the Permanent Secretary of the Ministry or his or her representative may assign.

Part 2
Appointment of Honorary Consular Officers

Article 8 Honorary Consul-General or Honorary Consul who heads a consular post shall have the following qualifications:

(1) holding any nationality but should reside in the city where the consular post is located or a nearby city that is convenient for the performance of his or her functions;

(2) being held in high esteem, being financially sound and solvent, and having the potential to carry out work for the benefit of the Kingdom of Thailand;

(3) never been sentenced to imprisonment by a judgement in any criminal case, except for an offence committed through negligence or a petty offence.

Article 9 In considering the appointment and the renewal of the term of office of Honorary Consuls-General or Honorary Consuls who head consular posts, the Committee on Consideration of the Appointment and Discharge shall consider the list proposed by the Committee on Nomination and Evaluation and appoint a person from the proposed list, or to renew the term of office of the nominated person, who has qualifications specified in Article 8. If deemed appropriate, before making its decision, the Committee on Consideration of the Appointment and Discharge may interview the nominated candidates who shall then present their respective visions and work plans.

The person who has qualifications specified in Article 8 and appointed as a head of a consular post for his or her first term of office, shall be designated as Honorary Consul. The case shall also apply to those appointed to fill in the position of former Honorary Consuls-General.

The Committee on Consideration of the Appointment and Discharge may promote Honorary Consuls to serve as Honorary Consuls-General, as it deems appropriate as a case by case basis, by taking into consideration his or her work performance, term of office, seniority, extension of functions, expansion of consular districts, and so on.

The status of consular posts shall not vary according to the status of heads of consular posts.

After the Committee on Consideration of the Appointment and Discharge has made a decision on the appointment or the promotion of a head of a consular post as specified in paragraph 1 and 3 as the case may be, the appointment or the promotion shall be submitted for the Cabinet's approval before the issuance of the letter of commission.

Article 10 An Honorary Consul-General or an Honorary Consul who heads a consular post may nominate a suitable person to be appointed as Honorary Vice-Consul to the Embassy or the Consulate-General, as the case may be, for the Committee on Nomination and Evaluation's consideration on submitting to the Committee on Consideration of the Appointment and Discharge for consideration.

Article 11 The Government of the Kingdom of Thailand and the Ministry shall not be responsible for damages arising from the work carried out by honorary consular officers or for any claims or legal proceedings by third parties for compensation from honorary consular officers.

Part 3

Term of Office of Honorary Consular Officers

Article 12 Subject to Article 15 and Article 16, the term of office of an Honorary Consul-General or an Honorary Consul shall be three (3) years starting from the date of issuance of the letter of commission to the 31st of December of the third year of his or her term of office.

Article 13 Honorary Consular Officers shall retire on the 31st of December of the year of which the Honorary Consular Officers are at the age of seventy (70).

Article 14 The renewal of the term of office of an Honorary Consul-General or an Honorary Consul, who performs as head of a consular post, may be done in the following cases:

(a) Before retirement: The term of office may be renewed for a period of three (3) years each time.

(b) After retirement: The term of office may be renewed for a period of two (2) years each time but no more than twice.

(c) Exceptional case: In the case where an honorary consular officer has retired in accordance with Article 13 and whose term of office has already been renewed twice in accordance with Article 14 (b), and the Committee on Consideration of the Appointment and Discharge deems appropriate to renew his or her term in an exceptional case, the Committee shall thereupon seek approval from the Minister of Foreign Affairs for renewal for a period not exceeding two (2) years each time.

Article 15 In considering the renewal of the term of office of the Honorary Consul-General or the Honorary Consul under Article 14, no later than six (6) months before his or her term of office is due to expire, the Committee on Nomination and Evaluation and the Bilateral Relations Cluster of the Ministry in charge of the country in which the Honorary Consul-General or the Honorary Consul heads a consular post respectively shall evaluate the Honorary Consul-General or the Honorary Consul's work performance and submit the result to the Committee on the Consideration of the Appointment and Discharge for approval. The Ministry will, at the earliest opportunity, inform the Honorary Consul-General or the Honorary Consul of the result through the Embassy or the Consulate-General, as the case may be.

Part 4

Suspension and Termination of Functions of Honorary Consular Officers

Article 16 Functions of an honorary consular officer shall come to an end by one of the following reasons:

- (1) completion of the term of office without renewal;
- (2) retirement without renewal;
- (3) resignation;
- (4) being sentenced to imprisonment by a judgment in any criminal case, except for an offence committed through negligence or a petty offence;
- (5) being a bankrupt person;
- (6) notification by the receiving State to the Ministry that the receiving State has ceased to consider him or her as the honorary consular officer;
- (7) inability to perform the functions or death;
- (8) being discharged from the position.

Article 17 The Ministry may suspend the performance of functions of an honorary consular officer any time, if he or she has improper conduct or because of any other reasonable grounds. The suspension shall have effect from the date on which the official notification is sent to the Ministry of Foreign Affairs of the receiving State.

The suspension stated in paragraph 1 shall not give the honorary consular officer any rights to claim from the Ministry for any damages incurred as a result of the suspension.

Article 18 The Committee on Consideration of the Appointment and Discharge may terminate the functions of an honorary consular officer by taking into consideration one of the reasons as specified in Article 16 (1) - (7). The termination shall take effect from the date on which the cause of the termination of his or her functions occurs or the official notification is sent to the Ministry of Foreign Affairs of the receiving State as the case may be, and thereafter, in case of the termination of functions of an Honorary Consul-General or an Honorary Consul, the Committee shall inform the Cabinet of its decision.

The Committee on Consideration of the Appointment and Discharge may discharge an honorary consular officer at any time. In case of the discharge from functions of an Honorary Consul-General or an Honorary Consul, the Ministry shall submit the Committee's decision for the Cabinet's approval before an official notification is sent to the Ministry of Foreign Affairs of the receiving State. The discharge shall take effect from the date on which the official notification is sent to the Ministry of Foreign Affairs of the receiving State.

The discharge stated in paragraph 2 shall not give the honorary consular officer any rights to claim from the Ministry for any damages incurred as a result of the discharge.

Article 19 When the term of office of the Honorary Consul-General or the Honorary Consul, who nominated an Honorary Vice-Consul, is terminated in accordance with Article 16 or Article 18, the term of office of the

Honorary Vice-Consul and consular staff, as the case may be, shall also be terminated simultaneously, unless, the Ministry considers it appropriate for the Honorary Vice-Consul to continue safeguarding and protecting the interests of Thailand and Thai nationals as well as performing other functions as instructed by the Ministry until the appointment of a new Honorary Consul.

Chapter 3 **General Functions of Honorary Consular Officers**

Article 20 Honorary consular officer is position of honour, entrusted by the Government of the Kingdom of Thailand with representation of Thailand to perform consular functions to the fullest ability and with responsibility to safeguard and protect the interests of Thailand and Thai nationals.

Article 21 During term of office as an honorary consular officer of the Kingdom of Thailand, person in the position shall not be consular officer or honorary consular officer of any other States unless he or she receives a written consent from the Kingdom of Thailand and the receiving State.

Article 22 Honorary consular officers shall refrain from engaging in any political activity, including criticising or expressing opinions about the Kingdom of Thailand or receiving State or areas to which he or she has been assigned consular district, or about the people and institutions of such State in a manner which is improper for his or her official position of honorary consular officer.

Honorary consular officers shall refrain from any political role which opposes or supports the opposition to the Thai government and the government of the receiving State, and shall remain politically neutral in the receiving State.

Article 23 Honorary consular officers shall make every effort to receive recognition from local authorities concerned in order to facilitate the performance of his or her functions.

Article 24 Honorary consular officers shall not disclose information or content of communications of a confidential nature about Thailand made available to him or her in his or her official capacity.

Article 25 Honorary consular officers shall use Thai, English, or French in correspondences and communications with the Ministry. However, other official local languages may be used in correspondences with the Embassy and the Consulate-General.

Article 26 Honorary consular officers shall perform his or her functions in accordance with this Regulation and any guidelines issued by the Ministry and shall be under direct supervision and control of the Embassy or the Consulate-General, as the case may be.

Article 27 Honorary consular officers shall render assistance in all official matters to the Embassy or the Consulate-General as well as its staff, as the case may be.

Article 28 Unless otherwise provided in this Regulation, honorary consular officers are prohibited from delegating the power to perform consular functions to any other person.

Article 29 Honorary consular officers are prohibited from performing functions of Thai civil registrar under the laws on the Civil Registration and Family Registration of the Kingdom of Thailand, and from registering, issuing or amending any certificates relating to birth, death, marriage, divorce, adoption, revocation of adoption or any other matters of a similar nature.

Article 30 Honorary consular officers are prohibited from issuing or amending Thai passports or any other Thai travel documents, issuing visas to foreigners to enter the Kingdom of Thailand, as well as from legalising any documents in the name of the honorary consular officers of the Kingdom of Thailand.

Chapter 4

Functions relating to the Protection and Promotion of Thailand's Interests

Article 31 Honorary consular officers shall have the function to care for, safeguard, and protect the rights and interests of persons or juristic persons holding Thai nationality in economic, political, labour, and social matters within his or her consular district by coordinating with the Embassy or the Consulate-General, as the case may be.

Article 32 Honorary consular officers shall use his or her best efforts to enhance friendly relations, and protect and promote Thailand's interests and status, particularly in economic, political, trade, investment, cultural, social, scientific, technological and innovation, sports and tourism areas, and shall report to the Ministry through the Embassy or the Consulate-General, as the case may be, on any information or incident affecting those interests.

Article 33 Honorary consular officers shall study and monitor trends, conditions and situations, particularly in economic, political, cultural and social areas within his or her consular district, which may affect the interests of Thailand, and report to the Ministry through the Embassy or the Consulate-General, as the case may be.

Article 34 Honorary consular officers shall report to the Ministry through the Embassy or the Consulate-General, as the case may be, regarding the enactment or amendment of any laws, regulations, or by-laws of the receiving State(s) which may affect the interests of Thailand and Thai communities in his or her consular district.

Article 35 Honorary consular officers may organize activities to promote Thai culture and Thailand's interests, particularly in economic, political, trade, investment, cultural, social, scientific, technological and innovation, sports and tourism areas, such as visits of delegations from trade, academic and cultural sectors, Thai products exhibitions, or Thai food festivals.

In organizing such activities in paragraph 1, honorary consular officers shall consult with, or request support from, the Ministry through the Embassy or Consulate-General, or cooperate with the Embassy of Consulate-General, as the case may be.

Chapter 5

Functions relating to the Protection of Thai Nationals

Article 36 Honorary consular officers have the functions to protect, assist, and safeguard Thai nationals and their interests in his or her consular district within the bound of domestic laws and the Vienna Convention on Consular Relations of 1963.

Article 37 Honorary consular officers shall promptly report to the Embassy or the Consulate-General, as the case may be, on the death, arrest, custody, detention, or imprisonment of Thai nationals.

Article 38 Honorary consular officers shall regularly visit and render assistance to Thai nationals while being hospitalized, arrested, held in custody, detained or imprisoned.

Article 39 Honorary consular officers shall assist Thai nationals in distress, including those discharged from arrest, custody, detention or imprisonment, to return to their domicile, in accordance with relevant Thai laws and regulations.

Article 40 Honorary consular officers shall regularly visit Thai communities within his or her consular district.

Chapter 6

Office Administration

Article 41 Honorary consular officers shall be responsible for seeking an appropriate venue to be used as the office of a consular post at their own expenses. Honorary consular officers shall be careful not to allow the consular post to be used in an improper manner including immoral, political, illegal or any other activities, which would jeopardize the integrity of honorary consular officers or which would have negative effect on Thailand's reputation.

Article 42 The Ministry, the Embassy or the Consulate-General, as the case may be, will provide the consular post with necessary equipment including official seals, Thai national flags, coat-of-arms, and documents relating

to consular functions. Honorary consular officers shall use the official seals exclusively in performing consular functions. The aforementioned equipment belongs to the Government of the Kingdom of Thailand. They shall be kept in a safe place after use and shall be immediately returned to the Royal Thai Government when honorary consular officer's term of office comes to an end.

Article 43 Honorary Consul-General or Honorary Consul who is the head of a consular post is permitted to display Thai national flag at the consular post and his or her residence.

Thai coat-of-arms shall be placed at the entrance of a consular post.

The Thai national flag shall be displayed on the celebration of His Majesty the King of Thailand's birthday anniversary and on other appropriate occasions according to the Thai tradition or local laws and traditions.

Article 44 Consular posts shall open and operate during the announced normal office hours. In determining such office hours, honorary consular officers shall take into consideration local traditions and the usual workload of his or her consular post. The Ministry, the Embassy or the Consulate-General, as the case may be, shall be informed of the announced office dates and hours. Notice of the office dates and hours shall be clearly displayed at the entrance of a consular post.

In case of emergency, honorary consular officers shall also perform his or her functions outside the normal office hours.

Article 45 Honorary consular officers shall retain at consular posts record of dispatched and received correspondences and copy of report of death, arrest, custody, detention, or imprisonment of Thai nationals.

Article 46 In the case that a position of Honorary Consul-General or Honorary Consul becomes vacant and has not been filled, the Embassy or the Consulate-General, as the case may be, shall proceed as follows:

(1) bring back all equipment including all official seals, Thai national flags, coat-of-arms and documents provided by the Ministry, the Embassy or the Consulate-General, as the case may be, which are property of the Government of the Kingdom of Thailand, as well as record books in accordance with Article 45 and keep them at the Embassy or the Consulate-General, as the case may be;

(2) Inform the public to receive services at the Embassy or the Consulate-General while the consular post is temporarily unable to provide services.

Chapter 7

Compensation for Honorary Consular Officers

Article 47 Honorary consular officer is position of honour, entrusted by the Government of the Kingdom of Thailand. Persons in the said position are not entitled to salary, pension, claim of compensation, or any other forms of remuneration from the Ministry, the Embassy or the Consulate-General, as the case may be, during or after term of office comes to an end, unless specified otherwise by the Ministry upon approval of the Ministry of Finance.

Article 48 Honorary consular officers are not authorized to charge any fees or receive any remuneration for consular services such as protection, assistance, and safeguard given to Thai nationals.

Article 49 In the case that an honorary consular officer renders a professional service and charges a fee or collects any remuneration for such services, such as giving legal advice or providing medical treatment outside the scope of normal functions of an honorary consular officer, he or she shall inform Thai nationals concerned explicitly and in advance that such services will be rendered in his or her other professional capacity, and not in the capacity of the honorary consular officer.

Chapter 8

Performance Report and Evaluation

Article 50 An Honorary Consul-General or an Honorary Consul shall submit annual report on the performance of his or her functions to the Embassy or the Consulate-General, as the case may be, by the end of January of the following year.

Article 51 Once receiving the Honorary Consul-General or the Honorary Consul's performance report as specified in Article 50, the Committee on Nomination and Evaluation of the Embassy or the Consulate-General, as the case may be, shall evaluate the performance of the Honorary Consul-General or the Honorary Consul and submit the result of the evaluation for the Ministry's consideration within forty-five (45) days.

The Bilateral Relations Cluster of the Ministry, in charge of the country in which the Honorary Consul-General or the Honorary Consul heads a consular post, shall inform the Honorary Consul-General or the Honorary Consul of the result of the evaluation through the Embassy or the Consulate-General, as the case may be.

Temporary Provision

Article 52 Articles 13 and 14 of this Regulation shall not apply to Honorary Consuls-General or Honorary Consuls over seventy (70) years of age who hold the position when this Regulation enters into force.

The Committee on Nomination and Evaluation and the Ministry shall respectively pursue the performance evaluation of the Honorary Consul-General or the Honorary Consul in paragraph 1 so that the Committee on Consideration of the Appointment and Discharge shall thereupon consider the appropriateness of renewing his or her term of office not exceeding two (2) years from the date of approval. Such extension shall be non-renewable, unless deemed appropriate by the Minister of Foreign Affairs of Thailand to renew his or her term of office not exceeding two (2) years each time.

Given on 16 March B.E. 2563 (2020)

(Don Pramudwinai)
Minister of Foreign Affairs