

No. 4659

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
MONGOLIAN PEOPLE'S REPUBLIC**

**Consular Convention. Signed at Ulan Bator, on 25 August  
1958**

*Official texts: Russian and Mongolian.*

*Registered by the Union of Soviet Socialist Republics on 3 February 1959.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES**

et

**RÉPUBLIQUE POPULAIRE MONGOLE**

**Convention consulaire. Signée à Oulan-Bator, le 25 août  
1958**

*Textes officiels russe et mongol.*

*Enregistrée par l'Union des Républiques socialistes soviétiques le 3 février 1959.*

## [TRANSLATION — TRADUCTION]

No. 4659. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE MONGOLIAN PEOPLE'S REPUBLIC. SIGNED AT ULAN BATOR, ON 25 AUGUST 1958

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The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, on the one hand, and the Presidium of the Great People's Khural of the Mongolian People's Republic, on the other hand,

Being desirous of determining and regulating consular relations between the two States,

Have resolved to conclude a Consular Convention and for this purpose have appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics : Mr. Aleksei Vasilevich Zakharov, Deputy Minister of Foreign Affairs of the Union of Soviet Socialist Republics ;

The Presidium of the Great People's Khural of the Mongolian People's Republic : Mr. Puntsagyn Shagdarsuren, Acting Minister of Foreign Affairs of the Mongolian People's Republic,

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

ESTABLISHMENT OF CONSULATES, APPOINTMENT AND ACCEPTANCES OF CONSULS,  
CONSULAR STAFF

*Article 1*

1. Either Contracting Party shall be entitled to establish consulates in the territory of the other Contracting Party in accordance with this Convention.

2. The places of residence and the districts of consuls shall be determined by agreement between the Parties in each individual case.

*Article 2*

Before appointing a consul, the Contracting Party concerned shall obtain, through the diplomatic channel, the consent of the other Contracting Party to such appointment.

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<sup>1</sup> Came into force on 4 December 1958, the date of the exchange of the instruments of ratification at Moscow, in accordance with article 24.

### Article 3

1. The diplomatic mission of the sending country shall present to the Ministry of Foreign Affairs of the receiving country the consular commission setting forth the consul's citizenship, rank, surname and first name, the consular district for which he will be responsible, and his duty station.

2. The consul may not enter upon his duties until the Government of the receiving country has recognized him in that capacity. Such recognition shall be granted in the form of an *exequatur* issued after the consular commission has been presented.

3. After the consul has been recognized, the authorities of the receiving country shall make the necessary arrangements to enable the consul to perform his duties and to enjoy the exemptions and privileges to which he is entitled under this Convention and under the laws of the receiving country.

### Article 4

1. In the event of the consul's absence, illness or death, the sending country may authorize an officer of its diplomatic mission, or a consular officer of the consulate concerned or of another consulate, to take temporary charge of the consulate; the officer's name shall be communicated beforehand to the Ministry of Foreign Affairs of the receiving country.

2. A person authorized to take temporary charge of a consulate shall enjoy the rights and privileges accorded to consuls by this Convention.

### Article 5

1. For the purposes of this Convention, the term "consulate" means a consulate-general, consulate, vice-consulate or consular agency, and the term "consul" means a consul-general, consul, vice-consul or consular agent.

2. The term "consular staff" means the consul, consular officers and consular employees.

3. The term "consular officers" means the consulate secretaries, advisers and trainees.

4. The term "consular employees" means chief clerks, translators, shorthand-typists, typists, bookkeepers, housekeepers, etc.

## RIGHTS, EXEMPTIONS AND PRIVILEGES OF CONSULS, CONSULAR OFFICERS AND CONSULAR EMPLOYEES

### Article 6

The consuls, consular officers and consular employees of the Contracting Parties who are not citizens of the receiving country shall not be subject to the jurisdiction of the receiving State in respect of acts performed in their official capacity.

*Article 7*

Consuls shall be entitled to affix to consulate buildings shields bearing the coat-of-arms of their country and an inscription designating the consulate, and to fly the flags of their country from the said buildings and on the means of conveyance (motor vehicles, launches, etc.) used by them.

*Article 8*

The consuls, consular officers and consular employees and their spouses and minor children who are not citizens of the receiving country shall be exempt from all forms of personal service and direct taxes imposed on citizens of the receiving country.

*Article 9*

Immovable property of the sending country which is intended for consulate premises or the living quarters of consuls and other members of the consular staff shall be exempt from all direct taxes.

*Article 10*

Subject to reciprocity, consuls, consular officers and consular employees who are not citizens of the receiving country shall enjoy the same exemptions with regard to customs duties as corresponding categories of the staff of diplomatic missions.

*Article 11*

The provisions of article 10 above shall also apply to the spouses and minor children of consuls who live with them.

*Article 12*

1. Consuls and other members of the consular staff shall give evidence before the judicial organs of the receiving country if requested to do so by the judicial authorities.

2. If a consul or other member of the consular staff is prevented by the exigencies of his service, by illness or for other reasons from appearing before the judicial organs, he shall make a deposition in writing.

3. Consuls and consular officers may refuse to give testimony concerning matters connected with their official duties.

*Article 13*

1. The official correspondence of consuls shall be inviolable and shall not be subjected to examination. This shall also apply to telegraphic communications.

2. The offices of consulates shall be inviolable. The authorities of the receiving State shall not use force, in any form whatsoever, in the offices or in the private living quarters of consuls.

3. Consular archives shall be inviolable in all circumstances. Private papers shall not be kept in the consular archives.

4. In their communications with the authorities of the sending country, consuls shall be entitled to use codes and the services of diplomatic couriers. Consuls shall be charged at the same rates as diplomatic representatives for the use of ordinary means of communication.

#### FUNCTIONS OF CONSULS

##### *Article 14*

1. Consuls shall be entitled, within their consular district, to protect the rights and interests of their State and of the citizens and legal persons of the sending country.

2. In the performance of their duties, consuls may apply to the authorities of their consular district and may make representations to them concerning violations of the rights and interests of their State or of citizens or legal persons of the sending country.

##### *Article 15*

Consuls shall be entitled, without special authorization, to represent in the courts and before other authorities of the receiving country citizens and legal persons of the sending country who, owing to absence or for other valid reasons, are unable to protect their own rights and interests within the appropriate time limits; such representation shall continue until the persons represented appoint their own agents or themselves assume the protection of their rights and interests.

##### *Article 16*

1. Consuls shall be entitled to keep a register of citizens of the sending country, to issue or renew their passports and other identity documents, and to carry on any other activity connected with the registration of citizens of the sending country and the delivery of documents to them.

2. Consuls shall issue to their own and to foreign citizens and to stateless persons the necessary visas for entry into and exit from the sending State.

3. Consuls shall, where authorized to do so by the laws of the sending country, be entitled to issue certificates of the birth or death of citizens of their country and to register marriages where both parties to the marriage are citizens of the sending country.

The provisions of paragraph 3 of this article shall also apply to the registration of the dissolution of marriages.

The foregoing shall not, however, exempt the persons concerned from the obligation to make such declarations or to effect such registration as may be required by local statutes.

#### *Article 17*

Consuls shall be entitled to carry on the following activities at consulates, at their residences, at the residences of citizens of their country and on board vessels sailing under their country's flag :

- (a) To receive and certify declarations from citizens of the sending State;
- (b) To draw up, attest and accept for safekeeping the wills and other unilateral instruments and declarations of citizens of the sending State and to accept for safekeeping the property and documents of such citizens;
- (c) To draw up or certify agreements concluded between citizens of the sending State, provided that such agreements are not contrary to the laws of the receiving country. A consul may not draw up or certify any agreement concerning the establishment or alienation of property rights to buildings and land situated in the receiving country;
- (d) To draw up or certify agreements between citizens of the sending country and citizens of the receiving country, provided that such agreements relate exclusively to interests situated in the territory of the State which the consul represents or to transactions to be carried out in the territory of that State, and provided that such agreements are not contrary to the laws of the sending State;
- (e) To certify the signatures, on documents of any kind, of citizens of the country which the consul represents; to legalize documents issued by the authorities or officials of the sending State or the receiving country, and to certify copies of such documents;
- (f) To certify translations of documents issued by the authorities and officials of the sending State or the receiving country;
- (g) To accept for safekeeping money and valuables from citizens and organizations of the sending State or intended for such citizens or organizations;
- (h) To perform such other consular acts as may be required, provided that they are not contrary to the laws of the receiving country.

#### *Article 18*

The documents referred to in article 17 above, copies or translations thereof or extracts therefrom which have been drawn up or certified by a consul shall be regarded in the receiving country as documents, copies, translations and extracts having the same judicial force and the same validity as evidence as if they had been drawn up, translated or certified by competent authorities and institutions of the receiving country.

However, the documents, copies, translations and extracts mentioned above shall be subject to legalization if the law of the receiving country so requires.

#### Article 19

1. Consuls may appoint guardians and curators for citizens of the sending State. They shall be entitled to supervise the activities of guardians and curators.

2. If a consul learns that the property of a citizen of the sending State is without an administrator, he may appoint a trustee.

#### Article 20

1. A consul may, personally or through his agents, extend every assistance and co-operation to merchant vessels and warships which sail under his country's flag and which enter a port in his consular district.

2. If the authorities of the receiving State intend to carry out any measures of constraint on board merchant vessels of the sending State, the appropriate consul shall be notified in advance so that he may be present when the said measures are carried out. This provision shall not apply to customs, passport and health control of the vessel, crew and passengers.

#### Article 21

1. If a vessel sailing under the flag of one Contracting Party is wrecked, or runs aground or is stranded on the coast of the other Contracting Party, or is otherwise damaged, the competent authorities shall immediately notify the consul of the occurrence and inform him of the measures they have taken to save lives, the vessel and the cargo. They shall extend the necessary co-operation to the consul in his action in connexion with the damage to the vessel.

#### Article 22

The provisions of articles 20 and 21 of this Convention shall apply *mutatis mutandis* to aircraft.

### FINAL PROVISIONS

#### Article 23

The provisions of this Convention concerning the rights and duties of consuls shall apply to members of diplomatic missions who perform consular functions in the country in which they are stationed. The performance of consular functions by such persons shall not affect their diplomatic privileges and immunities.

*Article 24*

This Convention shall be ratified and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Moscow.

The Convention shall remain in force until six months after the date on which either Contracting Party informs the other Contracting Party that it wishes to terminate the Convention.

DONE in duplicate at Ulan Bator, on 25 August 1958, in the Russian and Mongolian languages, both texts being equally authentic :

For the Presidium  
of the Supreme Soviet  
of the Union of Soviet  
Socialist Republics :

A. ZAKHAROV

For the Presidium  
of the Great People's Khural  
of the Mongolian People's  
Republic :

P. SHAGDARSUREN