

**No. 5093**

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
DEMOCRATIC REPUBLIC OF VIET-NAM**

**Consular Convention. Signed at Hanoi, on 5 June 1959**

*Official texts: Russian and Viet-Nameese.*

*Registered by the Union of Soviet Socialist Republics on 19 April 1960.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES**

**et**

**RÉPUBLIQUE DÉMOCRATIQUE DU VIET-NAM**

**Convention consulaire. Signée à Hanoï, le 5 juin 1959**

*Textes officiels russe et vietnamien.*

*Enregistrée par l'Union des Républiques socialistes soviétiques le 19 avril 1960.*

[TRANSLATION — TRADUCTION]

No. 5093. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE DEMOCRATIC REPUBLIC OF VIET-NAM. SIGNED AT HANOI, ON 5 JUNE 1959

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The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, on the one hand, and the President of the Democratic Republic of Viet-Nam, on the other hand,

Desiring to define and regulate consular relations between the two States,

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

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics :  
Leonid Ivanovich Sokolov, Ambassador Extraordinary and Plenipotentiary of the USSR in the Democratic Republic of Viet-Nam;

The President of the Democratic Republic of Viet-Nam : Ung Van Khiem, Deputy Minister of Foreign Affairs of the Democratic Republic of Viet-Nam,

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

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

*Article 1*

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

2. The places in which consuls are stationed and their consular districts shall be determined by agreement between the Parties in each individual case.

*Article 2*

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

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<sup>1</sup> Came into force on 15 December 1959, the date of the exchange of the instruments of ratification at Moscow, in accordance with article 27.

*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 him 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 said officer's name shall be communicated beforehand to the Ministry of Foreign Affairs of the receiving country.

2. A person accepted as being in 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*

Consuls, consular officers and consular employees of the Contracting Parties who are not citizens of the receiving country shall not be subject to the jurisdic-

tion of the receiving State where the performance of their official duties is concerned.

*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*

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 members of diplomatic missions.

*Article 11*

The provisions of article 10 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 evidence concerning matters connected with their official duties.

*Article 13*

1. The official correspondence of consuls shall be inviolable and shall not be subject 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 citizens and bodies corporate 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 bodies corporate of the sending country.

*Article 15*

Consuls shall be entitled to represent citizens and bodies corporate of the sending country in the courts and before other authorities of the receiving country where, owing to absence or for other valid reasons, the said citizens or bodies corporate are unable to protect their own rights and interests within the appropriate time limits; such representation shall continue until those 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 their 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 issue of documents to them.

2. Consuls shall issue to their own or foreign citizens and to stateless persons the necessary visas for entry into and departure 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 legislation.

### *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 that 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 of the sending State or intended for such citizens;
- (h) To perform such other 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, 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 standing in law and the same validity when adduced in 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*

If a citizen of the sending State dies within the consul's district, the local authorities shall notify the consul thereof immediately, communicating such information as they may have concerning the estate left by the deceased and its estimated value, the existence of heirs and other persons entitled to share in the estate and their whereabouts, and the existence of a will.

#### *Article 20*

Consuls shall have the following rights with respect to estates left by citizens of their country, and may exercise these rights personally or through their authorized representatives :

(a) The right to participate in taking and signing the inventory of the estate;

(b) The right to communicate with the competent authorities of the receiving country with a view to protecting the estate from damage and deterioration.

#### *Article 21*

1. Movable property left in the territory of one of the Contracting Parties by a deceased person who was a citizen of the other Party shall be handed over to the consul of the State of which the deceased was a citizen for disposal in accordance with the laws of that State.

2. Before the property of an estate is handed over to the heirs or is sent abroad, the duties payable on the value of the estate shall be paid and other claims against the estate presented and substantiated by heirs or other persons living in the receiving country shall be satisfied. These obligations on the part of the consul shall lapse unless within six months after the death of the deceased the claims are shown to have been recognized as valid or to be under the consideration of the competent authorities.

3. In the case of immovable property the applicable law shall be the law of the country in which the property is situated.

*Article 22*

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 23*

1. A consul may, personally or through his authorized representatives, 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 involving the use of force 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 the customs, passport and health control of the vessel, crew and passengers.

*Article 24*

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 25*

The provisions of articles 23 and 24 of this Convention shall apply *mutatis mutandis* to aircraft.

## FINAL PROVISIONS

*Article 26*

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 27*

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 at Hanoi, on 5 June 1959, in two copies, each in the Russian and Viet-Nameese languages, both texts being equally authentic.

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

L. SOKOLOV

For the President  
of the Democratic Republic  
of Viet-Nam :

UNG VAN KHIEM