

No. 8815

**UNION OF SOVIET SOCIALIST REPUBLICS
and
JAPAN**

**Consular Convention (with Protocol and exchange of
notes). Signed at Tokyo, on 29 July 1966**

Official texts : Russian and Japanese.

Registered by the Union of Soviet Socialist Republics on 27 October 1967.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
JAPON**

**Convention consulaire (avec Protocole et échange de
notes). Signée à Tokyo, le 29 juillet 1966**

Textes officiels russe et japonais.

Enregistrée par l'Union des Républiques socialistes soviétiques le 27 octobre 1967.

[TRANSLATION — TRADUCTION]

No. 8815. CONSULAR CONVENTION ¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND JAPAN. SIGNED AT TOKYO, ON 29 JULY 1966

The Union of Soviet Socialist Republics and Japan,

Desiring to co-operate in strengthening friendly relations and to regulate consular relations between the two States,

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

The Union of Soviet Socialist Republics : Andrei Andreevich Gromyko, Minister for Foreign Affairs of the USSR ;

Japan : Etsusaburo Shiina, Minister for Foreign Affairs of Japan, who, having exchanged their full powers, found in good and due form, have agreed as follows :

PART I

DEFINITIONS

Article 1

1. The term “ consulate ” means a consulate-general, consulate, vice-consulate or consular agency of the sending State.

2. The term “ consular officer ” means any person authorized by the sending State to exercise consular functions and who has been appointed or whose name has been communicated in such a capacity in accordance with articles 3 and 4. The term “ consular officer ” also includes persons assigned to the consulate for training in consular duties (trainees).

3. The term “ head of consulate ” means the consular officer who is in charge of a consulate.

4. The term “ consular employee ” means any person, other than a consular officer, who performs administrative or technical work in the consulate. The term “ consular employee ” includes also, save as provided for in article 18, paragraph 2, article 23, paragraph 2, and article 25, paragraphs 2

¹ Came into force on 23 August 1967, the thirtieth day after the exchange of the instruments of ratification at Moscow, in accordance with article 43.

and 3, drivers, servants, gardeners and similar staff employed in the domestic service of the consulate.

5. The term “consular district” means the area assigned to the consulate for the exercise of consular functions.

6. The term “national”, in relation to the sending State, means all individuals who possess the citizenship of that State, as well as legal persons created under the laws of that State.

7. the term “vessel”, in relation to the sending State, means any vessel registered in a port of that State. The term does not include military vessels.

PART II

ESTABLISHMENT OF CONSULATES, APPOINTMENT OF CONSULAR OFFICERS AND EMPLOYEES

Article 2

1. The sending State may establish a consulate in the territory of the receiving State only with the consent of the receiving State.

2. The seat of the consulate and the limits of the consular district shall be defined by agreement between the sending State and the receiving State.

Article 3

1. Before appointing a head of consulate, the sending State shall obtain, through the diplomatic channel, the consent of the receiving State to such appointment.

2. Before the head of consulate enters upon his duties, the sending State shall communicate to the receiving State, through the diplomatic channel, the consular commission, setting forth the full name and rank of the person concerned, and the seat of the consulate.

3. The receiving State, on receiving the consular commission mentioned in paragraph 2 of this article, shall grant as soon as possible and free of charge an exequatur to the head of consulate recognizing him in that capacity. The receiving State shall, when necessary, pending the grant of an exequatur, issue a provisional authorization.

Article 4

1. Before a consular officer who is not a head of consulate enters upon his duties, the sending State shall notify the receiving State, through the diplomatic channel, of his appointment stating his full name, position and rank.

2. The receiving State shall, on receiving the notification of appointment referred to in paragraph 1 of this article, issue to the consular officer as soon as possible and free of charge the appropriate document authorizing him to perform his consular functions.

Article 5

The receiving State shall immediately notify its competent authorities of the full name of the consular officer.

Article 6

A consular officer shall be a national of the sending State.

Article 7

Before a consular employee enters upon his duties, the sending State shall, through the diplomatic channel, notify the receiving State of his full name, citizenship and duties.

Article 8

Upon the termination of the functions of a consular officer or consular employee the sending State shall so notify the receiving State through the diplomatic channel.

Article 9

The sending State may not appoint as a consular officer or consular employee a national of that State who is already resident in, or on his way to, the receiving State. This provision does not extend to members of the diplomatic mission of the sending State, or consular officers or consular employees performing their duties in the receiving State.

Article 10

The receiving State may at any time, without being obliged to give reasons for its decision, notify the sending State through the diplomatic channel that a consular officer or employee is unacceptable. On receiving such notification, the sending State shall be obliged to recall a consular

officer or a consular employee who is a national of the sending State. If a consular employee is not a national of the sending State, his functions shall be terminated.

If the sending State refuses to fulfil this obligation or does not fulfil it within a reasonable length of time, the receiving State may refuse to recognize the person concerned as a consular officer or consular employee.

Article 11

1. If a consular officer is unable to perform his functions owing to absence, illness, death or other causes, the sending State may, after notifying the receiving State, temporarily assign in his stead, for the performance of consular functions, another consular officer, or a consular employee or member of a diplomatic mission of the sending State in the receiving State, as well as another person if advance notice has been given and with the consent of the receiving State. The person replacing the consular officer in the performance of his functions in accordance with the provisions of this paragraph shall enjoy the rights, privileges and immunities and be subject to the obligations laid down in the present Convention.

2. The provisions of this Convention shall also apply to consular functions performed by the consular department of the diplomatic mission of the sending State. Members of the diplomatic mission of the sending State who are assigned to perform consular functions shall, after the sending State has notified the receiving State thereof, enjoy the rights, privileges and immunities and be subject to the obligations laid down in this Convention.

3. With the exception of cases provided for in paragraph 5, article 36 of this Convention, the performance of consular functions indicated in paragraphs 1 and 2 of this article by members of the diplomatic mission shall not affect any privileges and immunities they enjoy by virtue of being members of the diplomatic mission.

Article 12

The receiving State shall accord all facilities for the consular officer to perform his duties and to enjoy the rights, privileges and immunities provided for in the present Convention and in the laws of the receiving State.

Article 13

1. The sending State, subject to compliance with the laws of the receiving State, may acquire as property, hold or lease in any form provided for in the laws of the receiving State, plots of land, buildings, parts of buildings, and appurtenances required by the sending State for the purposes of esta-

blishing a consular office and living quarters for consular officers and consular employees who are nationals of the sending State.

2. The authorities of the receiving State shall, if necessary, take steps to assist the sending State to acquire the land, buildings, parts of buildings and appurtenances provided for it in paragraph 1 of this article.

3. It is understood that the sending State shall not be exempt from compliance with any building, town planning or other regulations applicable to the area in question.

PART III

PRIVILEGES AND IMMUNITIES

Article 14

1. The coat-of-arms and an appropriate inscription in the language of the sending State may be affixed to the consular office building. The flag of the sending State may also be flown at the consular office building.

2. The head of consulate may affix the coat-of-arms of the sending State, and fly its flag at his residence and on the means of conveyance which he uses in the exercise of his duties.

Article 15

Buildings or parts of buildings used exclusively for consular purposes, and the plot of land used for those buildings or parts of buildings, as well as the living quarters of consular officers, shall be inviolable.

The police or other authorities of the receiving State may not enter the said buildings, parts of buildings, plot of land or living quarters of consular officers except with the consent of the head of consulate, a person designated by him, or the head of the diplomatic mission of the sending State.

Article 16

Consular archives shall be inviolable. Unofficial papers shall not be kept in the consular archives.

Article 17

1. The consulate shall be entitled to communicate with its Government or with the diplomatic mission and consulates of the sending State in the

receiving State or with other diplomatic missions and consulates of the sending State. For those purposes the consulate may make use of all ordinary means of communication, couriers, and official sealed bags, (sacks, pouches, etc.) cyphers and codes. Consuls shall be charged at the same rate as diplomatic representatives for the use of ordinary means of communication.

2. The official correspondence of the consulate, regardless of the means of communication employed, and official sealed bags bearing visible external marks indicating that they are of an official nature, shall be inviolable and the authorities of the receiving State shall not examine or detain them.

3. Persons employed as couriers to carry the bags mentioned in paragraph 2 of this article shall enjoy the same rights, privileges and immunities as diplomatic couriers.

Article 18

1. A consular officer or a consular employee who is a national of the sending State shall enjoy immunity from the jurisdiction of the receiving State in respect of acts performed in his official capacity.

2. Consular officers or consular employees who are nationals of the sending State, and members of their families who reside with them and who are nationals of the sending State shall enjoy immunity from the criminal jurisdiction of the receiving State.

3. The sending State may waive the immunity accorded consular officers and employees and members of their family under paragraphs 1 and 2 of this article. Explicit notification of such waivers shall be given in all cases and the receiving State shall be informed thereof in writing through the diplomatic channel.

Article 19

1. A consular officer or a consular employee shall give evidence as a witness in civil or criminal cases, if requested to do so by the judicial or administrative authorities of the receiving State, without prejudice to the provisions of paragraph 3 of this article. However, no measures may be taken to compel a consular officer, or a consular employee who is a national of the sending State to give evidence as a witness or to appear in court for that purpose.

2. The judicial or administrative authorities of the receiving State who request a consular officer or a consular employee to give evidence as a witness shall take all steps necessary to avoid interfering with the work of the consular office, and, wherever permissible and possible, shall arrange

for the taking of such evidence, orally or in writing, at the consulate or residence of the consular officer or consular employee.

3. Consular officers and consular employees may refuse to give evidence concerning matters connected with their official duties. Consular officers and consular employees may refuse to give evidence as experts on the laws of the sending State.

Article 20

Consular officers and consular employees who are nationals of the sending State and members of their family who reside with them and who are nationals of the sending State shall be exempt in the receiving State from service in defence of the State or any kind of compulsory service.

Article 21

Consular officers and consular employees who are nationals of the sending State, and members of their families forming part of their households who are nationals of the sending State, shall be exempt from any obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

Article 22

1. The sending State, or one or more persons acting on behalf of the sending State, shall be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving State or its local authorities, for the payment of which the sending State, or the aforementioned persons would otherwise be legally liable, in respect of the possession, ownership or use of immovable or movable property and of the acquisition of such property, to be used for consular purposes, including the living quarters of consular officers and consular employees, with the exception of charges levied for specific services rendered.

2. The sending State shall be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving State or its local authorities in respect of the fees received by a consular officer in connexion with the exercise of his functions.

Article 23

1. A consular officer, or a consular employee who is a national of the sending State shall be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving State or its local authorities on the

official emoluments, salaries, wages or allowances received by such officer or employee from the sending State for the performance of official duties.

2. A consular officer or a consular employee who is a national of the sending State shall be exempt from all other taxes or similar charges of any kind imposed or collected directly by the receiving State or by its local authorities for which he would otherwise be legally liable. This provision shall apply on condition that the consular officer or consular employee is a full-time officer of the sending State and does not carry on any private gainful occupation in the receiving State.

3. The exemption accorded under paragraph 2 of this article shall not apply to :

- (a) Taxes on the acquisition, possession, ownership or use of any private immovable property situated in the receiving State, with the exception of taxes from which exemption is granted in article 22, paragraph 1 ;
- (b) Taxes on income having its source in the receiving State, except as specified in paragraph 1 of this article ;
- (c) Taxes on transactions or on deeds, recording or relating to transactions, including State duties (stamp duties) of any kind, imposed or collected in connexion with such transactions ;
- (d) Taxes on the transfer by gift of property within the receiving State ;
- (e) Taxes on the transfer of property in the receiving State, in the event of death, including inherited property, with the exception of the cases provided for in article 24.

Article 24

The receiving State or its local authorities shall exempt the movable property of a consular officer or a consular employee who is a national of the sending State or a member of his family who is residing with him and who is a national of the sending State, from taxes and similar charges on the transfer of property in the event of death, provided that the above-mentioned property was situated in the receiving State solely in connexion with the presence in that State of the deceased as a consular officer or consular employee or as members of the family of a consular officer or consular employee.

Article 25

1. All articles, including automobiles, imported into the receiving State exclusively for official consular use, shall be exempt from all customs

duties, internal revenue and other taxes levied in respect of or by reason of their entry, in the same way as articles intended for the official use of the diplomatic mission of the sending State.

2. A consular officer or a consular employee who is a national of the sending State shall be accorded the same exemptions from customs duties and internal revenue or other taxes levied in respect of or by reason of the entry of articles for the personal use of the said persons or members of their family forming part of their household who are nationals of the sending State, as are accorded to the corresponding categories of the staff of the diplomatic mission of the sending State, on condition that the said consular officer or consular employee is a full-time officer of the sending State and does not carry on any private gainful occupation in the receiving State.

3. For the purposes of paragraph 2 of this article, the term "corresponding category of the staff of the diplomatic mission" refers to members of the diplomatic staff, in the case of consular officers, and to members of the administrative and technical staff in the case of consular employees.

4. The laws and regulations of the receiving State shall apply to the disposition of the articles imported under the provisions of this article.

Article 26

Subject to compliance with the laws and regulations of the receiving State regarding areas to which entrance is prohibited or restricted for reasons of State security, a consular officer or consular employee shall be permitted to move freely within his consular district for the performance of his official duties.

Article 27

Without prejudice to their privileges and immunities, it is the duty of all persons accorded privileges and immunities under this Convention to respect the laws and regulations of the receiving State, including traffic regulations.

Article 28

Any means of conveyance owned by the sending State and intended for official consular use, and any means of conveyance owned by consular officers and consular employees, must be insured in the receiving State, in accordance with the laws and regulations of that State, against any damage to a third party.

PART IV
CONSULAR FUNCTIONS

Article 29

1. A consular officer shall be entitled to exercise within his consular district the functions specified in this Part. He may, in addition, exercise other functions, provided that they are not contrary to the laws of the receiving State.

2. A consular officer may, with the consent of the authorities of the receiving State, exercise consular functions outside the consular district.

3. A consular officer shall be entitled, in connexion with the exercise of his functions, to communicate in writing or orally with the competent authorities of the consular district, including the offices of central departments.

4. A consular officer shall be entitled, in connexion with the exercise of consular functions, to levy the fees prescribed by the sending State.

Article 30

A consular officer shall, within his consular district, be entitled :

- (a) To defend the rights and interests of the sending State and its nationals ;
- (b) To further the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promote friendly relations between them.

Article 31

1. A consular officer shall, within the consular district, be entitled to interview and communicate with any national of the sending State and to give him advice and full assistance, including, where necessary, legal assistance in court and other proceedings which are within the competence of the authorities of the receiving State.

2. The receiving State may not in any way restrict the communication of a national of the sending State with the consulate, or his access thereto.

Article 32

1. Where a national of the sending State is arrested or otherwise detained, the competent authorities of the receiving State shall immediately notify thereof the appropriate consular officer of the sending State.

2. A consular officer shall be entitled, without delay, to visit and communicate with a national of the sending State who is under arrest or otherwise detained or is serving a term of imprisonment. The rights specified in this paragraph shall be exercised in conformity with the laws and regulations of the receiving State, provided that the laws and regulations in question do not nullify the said rights.

Article 33

A consular officer shall be entitled, within the consular district, to :

- (a) Receive such declarations as may be required to be made under the nationality laws of the sending State ;
- (b) Register nationals of the sending State ;
- (c) Register, or receive notifications of, the birth or death of nationals of the sending State ;
- (d) Record marriages and divorces that have taken place in accordance with the laws of the receiving State and receive notification thereof, if at least one of the parties to a marriage or a divorce is a citizen of the sending State ;
- (e) Perform a marriage on condition that both parties are nationals of the sending State ;
- (f) Receive declarations pertaining to the family relationships of nationals of the sending State in conformity with the laws of the sending State ;
- (g) Issue, renew, revoke and amend passports, visas and other similar documents.

Article 34

1. A consular officer may, within his consular district, identify, authenticate and certify signatures and prepare, identify, authenticate, certify and legalize deeds or documents of a juridical nature and copies thereof and take such other action as may be necessary to validate any of the aforesaid documents in cases where :

- (a) Such documents are requested for use by any person in the sending State or are required under the law of that State ;
- (b) They are required by a national of the sending State for use outside that State.

2. It is understood, however, that when a deed or document validated by the consular officer in accordance with paragraph 1 of this article is required for use in the receiving State or required under the laws of that State, the authorities of that State must recognize the validity of such a deed or document in so far as it is consistent with the laws of the receiving State.

3. If the deeds and documents specified in paragraph 2 of this article are submitted to the authorities of the receiving State, they shall be legalized if such legalization is required under the laws of the receiving State.

Article 35

The competent authorities of the receiving State shall, when they have the necessary information, notify the consulate as promptly as possible of the death of a national of the sending State.

Article 36

1. Should a national of the sending State die in the territory of the receiving State without leaving any known heir or testamentary executor in that territory, the appropriate local authorities of the receiving State shall as promptly as possible inform a consular officer.

2. A consular officer may, within the discretion of the appropriate judicial authorities and if permissible under the existing applicable local laws in the receiving State :

- (a) Take provisional custody of the personal property left by a deceased national of the sending State, if the deceased left no heir or testamentary executor appointed by the deceased to administer his personal estate in the receiving State, provided that such provisional custody shall be transferred to a duly appointed administrator ;
- (b) Administer the estate of a deceased national of the sending State who leaves no testamentary executor and who leaves no heir in the receiving State, provided that if authorized to administer the estate, the consular officer shall relinquish such administration upon the appointment of another administrator ;
- (c) Represent the interests of a national of the sending State in an estate left in the receiving State by a deceased person of any nationality, provided that such a national is not a resident of the receiving State, unless or until such national is otherwise represented, it being understood, however, that nothing herein shall authorize a consular officer to act as an attorney.

3. Unless prohibited by the laws of the receiving State, a consular officer may, within the discretion of the court, agency or person administering the estate receive for transmission to a national of the sending State who is not a resident of the receiving State, any money or property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to workmen's compensation

laws, pension and social benefit schemes in general, and the proceeds of insurance policies.

The court, agency, or person administering the estate may require that a consular officer comply with conditions laid down with regard to: (a) presenting a power of attorney or other authorization from such national; (b) furnishing reasonable evidence of the receipt of such money or property by such national, and (c) returning the money or property in the event the consular officer is unable to furnish such evidence.

4. (a) If a national of the sending State who is not a permanent resident of the receiving State dies while travelling in the receiving State, a consular officer shall be entitled, for the purpose of safeguarding the money and effects in the possession of the deceased, to take immediate custody thereof;

(b) A consular officer shall be entitled to retain the money or effects in the personal possession of the deceased national referred to in sub-paragraph (a) of this paragraph, held by him for personal use, for purposes of administration in accordance with the relevant laws on succession. However, any right to retain such money and effects must be subject to the provisions of paragraphs 2 and 3 of this article, except when the laws of the receiving State provide otherwise.

5. Whenever a consular officer performs the functions referred to in this article, he shall be subject, with respect to the exercise of such functions notwithstanding the provisions of articles 18 and 19, to the laws and jurisdiction of the courts of the receiving State.

Article 37

1. A consular officer may propose suitable persons to the courts or other competent authorities of the receiving State for appointment as guardians or curators for nationals of the sending State or for the property of such nationals where the appointment of guardians or curators is required under the laws of the receiving State.

2. If the court or other competent authorities are for any reason unable to nominate as guardians or curators the persons proposed by the consular officer in accordance with the provisions of paragraph 1 of this article, the consular officer may propose different candidates.

Article 38

1. A consular officer may extend full assistance and co-operation to a vessel sailing under the flag of the sending State which enters a port or other place of anchorage within the consular district.

sommes versées conformément aux lois sur les accidents du travail, toutes prestations dues, d'une manière générale, au titre d'un régime d'assurances sociales ainsi que toutes indemnités prévues dans des polices d'assurance.

Le tribunal, l'organisme ou la personne qui procède à la liquidation peut exiger du fonctionnaire consulaire qu'il se conforme à certaines conditions en ce qui concerne : *a*) la présentation d'une procuration ou de toute autre autorisation délivrée par ledit ressortissant, *b*) la fourniture de preuves suffisantes de la réception desdites espèces ou desdits biens par ce ressortissant, et *c*) la restitution des espèces ou des biens en question au cas où il lui serait impossible de fournir ces preuves.

4. *a*) Si un ressortissant de l'État d'envoi qui n'avait pas son domicile habituel dans l'État de résidence vient à décéder au cours d'un voyage sur le territoire de l'État de résidence, le fonctionnaire consulaire peut immédiatement prendre possession, pour en assurer la conservation, des espèces et des effets personnels laissés par le défunt ;

b) Le fonctionnaire consulaire a le droit de retenir, pour en disposer conformément aux lois sur la succession applicables, les espèces et les effets que le ressortissant défunt mentionné à l'alinéa *a* du présent paragraphe avait avec lui pour son usage personnel. Toutefois, ce droit doit être compatible avec les dispositions des paragraphes 2 et 3 du présent article, à moins que la législation de l'État de résidence n'en dispose autrement.

5. Lorsque le fonctionnaire consulaire exerce les fonctions visées dans le présent article, il est soumis, à ce titre, nonobstant les dispositions des articles 18 et 19, aux lois et à la juridiction civile de l'État de résidence.

Article 37

1. Le fonctionnaire consulaire peut proposer aux tribunaux ou autres autorités compétentes de l'État de résidence des candidatures convenables pour l'institution d'une tutelle ou d'une curatelle en ce qui concerne des ressortissants de l'État d'envoi ou leurs biens, lorsque la désignation de tuteurs ou de curateurs est requise par la législation de l'État de résidence.

2. Si lesdits tribunaux ou autres autorités compétentes, pour quelque raison que ce soit, ne peuvent pas désigner comme tuteurs ou curateurs les candidats proposés par le fonctionnaire consulaire conformément au paragraphe 1 du présent article, le fonctionnaire consulaire peut proposer d'autres candidats.

Article 38

1. Le fonctionnaire consulaire peut prêter toute l'assistance nécessaire à un navire de l'État d'envoi faisant escale dans un port ou autre mouillage dans les limites de la circonscription consulaire.

2. A consular officer may proceed on board the vessel referred to in paragraph 1 of this article, and the master and members of the crew of such a vessel may communicate with and visit the consular officer, after the said vessel has received *pratique*.

3. A consular officer may request the assistance of the appropriate authorities of the receiving State in any matter pertaining to the performance of duties related to vessels of the sending State and to the master and members of the crew of such vessels.

Article 39

1. With regard to vessels of the sending State, a consular officer shall, within his consular district, be entitled :

- (a) To question the master and any members of the crew of a vessel, examine its papers, take statements with regard to its voyage, to any occurrences during the voyage, and to its destination, and generally facilitate its entry, departure and stay in the port ;
- (b) If permitted by the law of the receiving State, to appear with the master or members of the crew of the vessel before the judicial and administrative authorities of that State, and to furnish them legal and other assistance, including acting as interpreter in matters between them and such authorities ;
- (c) Without prejudice to the rights of the authorities of the receiving State, and subject to compliance with the laws and regulations of the sending State, assist in the settlement of disputes between the master and members of the crew of a vessel including disputes as to wages and contracts of services and in the settlement of questions related to the engagement and discharge of the master and members of the crew, and give any assistance required by the captain for the performance of his duties ;
- (d) Receive, draw up or execute any declaration or other document prescribed by the law of the sending State relative to vessels and their crews ;
- (e) Lend assistance and make any necessary arrangements for the treatment in hospital and the repatriation of the master and any members of the crew of a vessel.

Article 40

If the judicial or administrative authorities of the receiving State intend to carry out any measures involving the use of force or institute any formal enquiry on board a vessel of the sending State, those authorities shall notify the appropriate consular officer. Except in cases where this is impossible on

account of the urgency of the matter, such notification shall be given before the said proceedings are initiated, so that the consular officer or his representative may be present during such proceedings. If a consular officer or his representative has not been present, he shall be entitled, upon requesting the said authorities, to receive from them full information regarding what has taken place.

The provisions of this article shall not, however, apply to routine customs, passport or public health examinations, or to any proceedings undertaken at the request or with the consent of the master of the vessel.

Article 41

1. If a vessel of the sending State is wrecked, runs aground or is stranded, or otherwise damaged in the receiving State, or if any article forming part of the cargo of a damaged vessel of a third State which belongs to a national of the sending State, is found on or near the shore of the receiving State or is brought into a port of that State, the appropriate authorities of the receiving State shall as promptly as possible inform the consular officer accordingly.

2. The competent authorities of the receiving State shall inform the consular officer of the measures they have taken to save the wrecked vessel of the sending State, the persons, the cargo and other property on board that vessel, and articles belonging to the vessel or forming part of its cargo which have become separated from the vessel.

3. A consular officer may extend all possible assistance to a wrecked vessel of the sending State, and to all persons on that vessel and to that end may request the co-operation of the competent authorities of the receiving State. A consular officer may take the measures stipulated in paragraph 2 of this article, as well as measures to repair the vessel, or may request the competent authorities to take such measures.

4. If the owner or any person authorized to act on his behalf is unable to make the necessary arrangements in respect of a wrecked vessel of the receiving State or its cargo, the consular officer shall be deemed to be authorized to make such arrangements on behalf of the owner.

A consular officer shall be deemed to be authorized in such circumstances to make arrangements in respect of a cargo of which the owner is the sending State or a national of that State, and which has been found in or brought into a port of the receiving State from a wrecked vessel of any State other than the receiving State.

5. A wrecked vessel of the sending State, its cargo and other property and articles shall be exempt in the territory of the receiving State from customs

duties, taxes or charges of any kind, provided that they are not handed over for use or consumption in the receiving State.

Article 42

Articles 38 to 41 shall also apply *mutatis mutandis* to civil aircraft.

PART V

FINAL PROVISIONS

Article 43

1. This Convention is subject to ratification, and instruments of ratification thereof shall be exchanged at Moscow.

The Convention shall enter into force on the thirtieth day after the exchange of the instruments of ratification and shall remain in force during a period of five years.

2. If neither Contracting Party gives notice to the other, twelve months before the expiry of the said period of five years, of its intention to terminate this Convention, it shall continue to remain in force until the expiry of twelve months from the date on which notice of such intention is given.

IN WITNESS WHEREOF, the Plenipotentiaries of both Contracting Parties have signed this Convention and affixed thereto their seals.

DONE at Tokyo on 29 July 1966, in duplicate in the Russian and Japanese languages, both texts being equally authentic.

For the Union of Soviet Socialist
Republics :

A. GROMYKO

For Japan :

Etsusaburo SHINA

PROTOCOL TO THE CONSULAR CONVENTION BETWEEN THE
UNION OF SOVIET SOCIALIST REPUBLICS AND JAPAN

At the time of signing the Consular Convention between the Union of Soviet Socialist Republics and Japan (hereinafter referred to as "the Convention"), the undersigned Plenipotentiaries of the Contracting Parties have agreed on the following provisions, which shall be an integral part of

the Convention with regard to the application of article 32 of the Convention.

1. Notification of the consular officer when a national of the sending State is arrested or otherwise detained shall take place within one to three days (but no later) after such arrest or detention depending on the available means of communication.

2. The right of a consular officer to visit and communicate with any national of the sending State who has been arrested or otherwise detained, shall, depending on where the national in question is being held, be granted within two to four days after such arrest or detention.

3. The right of a consular officer to visit and communicate with any national of the sending State who has been arrested or otherwise detained or is serving a term of imprisonment, shall be granted periodically.

IN WITNESS WHEREOF the Plenipotentiaries of both Contracting Parties have signed this Protocol and affixed their seals thereto.

DONE at Tokyo on 29 July 1966 in duplicate in the Russian and Japanese languages, both texts being equally authentic.

For the Union of Soviet Socialist
Republics :

A. GROMYKO

For Japan :

Etsusaburo SHIINA

EXCHANGE OF NOTES

I

Your Excellency,

With reference to the Protocol of today's date to the Consular Convention between the Union of Soviet Socialist Republics and Japan, I have the honour to confirm that the following agreement has been reached between our two Governments regarding the application of the provisions of the Protocol relating to Japanese nationals arrested or otherwise detained by Soviet authorities for violation of the régime of territorial waters in the North-West region of the Pacific Ocean, including the Sea of Japan, the Sea of Okhotsk and the Bering Sea.

1. Notification shall be given to the consular department of the Japanese Embassy in the USSR of the arrest or other detention by Soviet authorities of Japanese nationals for violation of the régime of territorial waters in the North-West region of the Pacific Ocean within ten days of the time of such arrest or detention.

2. (a) Visits from officers of the Japanese Embassy in the USSR who are authorized to perform consular functions to the nationals referred to in paragraph (1) shall, in each specific case, be conducted on the basis of agreement between the two Parties, through the diplomatic channel.

(b) The aforementioned officers may communicate by letter and telegram, using ordinary channels of communication, with the nationals referred to in paragraph 1.

3. No provisions of this Note shall be regarded as in any way affecting the position of either Party regarding the extent of territorial waters and their jurisdiction with regard to fisheries.

I have the honour to propose that this Note and your reply to it confirming the foregoing Agreement shall be regarded as constituting a formal agreement between our two Governments on this matter.

Accept, Sir, etc.

Tokyo, 29 July 1966

A. GROMYKO
Minister for Foreign Affairs
of the Union of Soviet Socialist Republics

His Excellency Mr. Etsusaburo Shiina
Minister for Foreign Affairs of Japan

II

The undersigned Minister of State has the honour to acknowledge the receipt of your Note of today's date in the following terms :

[*See note I*]

The undersigned Minister of State has the honour to agree that your Note and this reply thereto confirming the foregoing agreement shall be regarded as constituting a formal agreement between our two Governments on this matter.

Accept, Sir, etc.

Tokyo, 29 July 1966

Etsusaburo SHINA
Minister for Foreign Affairs of Japan
