

**No. 13040**

---

**MONGOLIA  
and  
UNION OF SOVIET SOCIALIST REPUBLICS**

**Consular Convention. Signed at Moscow on 5 April 1972**

*Authentic texts: Mongolian and Russian.*

*Registered by Mongolia on 1 February 1974.*

---

**MONGOLIE  
et  
UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES**

**Convention consulaire. Signée à Moscou le 5 avril 1972**

*Textes authentiques : mongol et russe.*

*Enregistrée par la Mongolie le 1<sup>er</sup> février 1974.*

[TRANSLATION — TRADUCTION]

## CONSULAR CONVENTION<sup>1</sup> BETWEEN THE MONGOLIAN PEOPLE'S REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS

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

Desiring further to develop friendly relations in accordance with the Treaty of Friendship, Co-operation and Mutual Assistance between the Mongolian People's Republic and the Union of Soviet Socialist Republics, signed at Ulan Bator on 15 January 1966,<sup>2</sup> and

Bearing in mind the need to renew the Consular Convention between the Mongolian People's Republic and the Union of Soviet Socialist Republics concluded in 1958,<sup>3</sup>

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

The Presidium of the Great People's Khural of the Mongolian People's Republic:  
Dugersurengiin Erdembileg, Deputy Minister for Foreign Affairs of the Mongolian People's Republic,

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics:  
Nikolai Ivanovich Molyakov, Head of the Consular Department of the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics,

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

### CHAPTER I. DEFINITIONS

*Article 1.* For the purpose of this Convention, the following expressions shall have the meanings hereunder assigned to them:

1. "Consular post" shall mean a consulate-general, consulate, vice-consulate or consular agency;
2. "Head of consular post" shall mean a consul-general, consul, vice-consul or consular agent who is in charge of a consular post;
3. "Consular officer" shall mean any person, including the head of a consular post, who is authorized to exercise consular functions. The term "consular officer" shall also include persons assigned to a consular post to study consular duties (trainees);

<sup>1</sup> Came into force on 27 October 1972, i.e. the thirtieth day after the exchange of the instruments of ratification, which took place at Ulan Bator on 27 September 1972, in accordance with article 42 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 562, p. 43.

<sup>3</sup> *Ibid.*, vol. 322, p. 215.

4. "Consular employee" shall mean a person, other than a consular officer, performing administrative or technical duties at the consular post. The term "consular employee" shall also include drivers, servants, gardeners and similar persons performing service duties at the consular post;

5. "Vessel" shall mean any vessel flying the flag of the sending State;

6. "Aircraft" shall mean any type of flying machine bearing the identifying marks of the sending State.

## CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES

*Article 2.* 1. A consular post may be opened in the receiving State only with the latter's consent.

2. The seat of the consular post, its classification and the boundaries of the consular district shall be determined by agreement between the sending State and the receiving State.

*Article 3.* 1. Prior to the appointment of the head of a consular post, the sending State shall obtain, through the diplomatic channel, the consent of the receiving State, to such appointment.

2. After that consent has been obtained, the diplomatic mission of the sending State shall transmit to the Ministry of Foreign Affairs of the receiving State the consular commission of appointment of the head of the consular post. The consular commission shall specify the full name of the head of the consular post, his nationality, his class, the consular district in which he will perform his duties and the seat of the consular post.

3. On presentation of the consular commission of appointment of the head of a consular post, the exequatur or other authorization shall be granted as soon as possible by the receiving State.

4. The head of a consular post may take up his duties as soon as the receiving State has granted him the exequatur or other authorization.

5. Pending delivery of the exequatur or other authorization, the receiving State may permit the head of a consular post to exercise his consular functions on a provisional basis.

*Article 4.* The sending State shall notify the Ministry of Foreign Affairs of the receiving State in advance of the full name, nationality, class and functions of a consular officer appointed to a consular post in a capacity other than that of head of the consular post.

*Article 5.* Only nationals of the sending State may be consular officers.

*Article 6.* The receiving State may at any time, and without having to explain the reason for its decision, notify the sending State through the diplomatic channel that the exequatur or other authorization granted to a head of a consular post has been withdrawn or that a consular officer or consular employee is unacceptable. In that event, the sending State shall accordingly recall the consular officer or consular employee if he has already taken up his duties. If it fails to

carry out this obligation within a reasonable time, the receiving State may decline to recognize the person concerned as a consular official or consular employee.

*Article 7.* 1. If the head of a consular post is unable for any reason to carry out his functions or if the position of head of consular post is temporarily vacant, the sending State may authorize a consular officer belonging to the same or another consular post in the receiving State or one of the members of the diplomatic staff of its diplomatic mission in that State to act as temporary head of the consular post. The full name of the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. A person authorized to act as temporary head of the consular post shall have the right to perform the functions of the head of the consular post in whose place he is appointed. He shall have the same duties, and shall enjoy the same rights, privileges and immunities as if he had been appointed in accordance with article 3 of this Convention.

3. The appointment of a member of the diplomatic staff of the diplomatic mission of the sending State to a consular post in accordance with paragraph 1 of this article shall not affect the privileges and immunities accorded to him by virtue of his diplomatic status.

### CHAPTER III. PRIVILEGES AND IMMUNITIES

*Article 8.* The sending State may rent or acquire in the receiving State, in any manner established by the receiving State, land, buildings or parts of buildings as premises for the consular post and living quarters for consular officers and consular employees, if they are nationals of the sending State.

Where necessary, the receiving State shall assist the sending State to acquire land, buildings or parts of buildings for the purposes indicated above.

*Article 9.* The receiving State shall afford protection to consular officers and shall make the necessary arrangements to enable them to perform their functions and to enjoy the rights, privileges and immunities to which they are entitled under this Convention and the laws of the receiving State.

*Article 10.* 1. A consulate shield bearing the coat of arms of the sending State and an appropriate inscription designating the consulate in the language of the sending State and the language of the receiving State may be affixed to the building in which the consular post is situated.

2. The flag of the sending State may be flown from the consular post and also from the residence of the head of the consular post.

3. The head of a consular post may also fly the appropriate flag of the sending State on his means of transport.

*Article 11.* 1. Buildings or parts of buildings used exclusively for the purposes of the consular post, and land ancillary to such buildings or parts of buildings, shall be inviolable.

Authorities of the receiving State may not enter buildings or parts of buildings used exclusively for the purposes of the consular post, or land ancillary to such buildings or parts of buildings, without the consent of the head of the

consular post, the head of the diplomatic mission of the sending State or a person designated by one of them.

2. The provisions of paragraph 1 of this article shall also apply to the living quarters of consular officers and consular employees.

*Article 12.* The consular archives shall be inviolable at all times and wherever they may be.

*Article 13.* 1. A consular post shall have the right to communicate with its Government or with the diplomatic missions and consular posts of the sending State. For this purpose the consular post may use all ordinary means of communication, cipher, couriers and sealed bags.

The same rates shall apply to a consular post in the use of ordinary means of communication as to a diplomatic mission.

2. The official correspondence of a consular post, regardless of the means of communication used, and sealed bags bearing visible external marks of their official character shall be inviolable, shall not be subject to inspection and shall not be detained by the authorities of the receiving State.

3. Consular couriers of the sending State shall enjoy in the territory of the receiving State the same rights, privileges and immunities as diplomatic couriers.

4. A consular bag may be entrusted to the captain of an aircraft or a vessel. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered a consular courier. A consular officer may take possession of a consular bag directly and freely from the captain of a vessel or aircraft, and may also hand a consular bag to him.

*Article 14.* Consular officers and consular employees who are not nationals of the receiving State shall enjoy personal inviolability. They shall not be subject to arrest or detention in any form. The receiving State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity.

*Article 15.* 1. A consular officer or consular employee who is not a national of the receiving State shall enjoy immunity from the jurisdiction of the receiving State except in the cases specified in article 31, paragraph 1 (a), (b) and (c) and paragraph 3 of the Vienna Convention on Diplomatic Relations signed on 18 April 1961.<sup>1</sup>

2. Members of the families of consular officers or consular employees who are not nationals of the receiving State and are residing with them shall enjoy immunity from the jurisdiction of the receiving State and personal inviolability to the same extent as consular officers or consular employees.

3. The sending State may waive the immunity of consular officers and consular employees and members of their families. Such waivers shall in all cases be express.

A waiver of immunity from jurisdiction in civil and administrative proceedings shall not imply a waiver of immunity in respect of execution of a decision for which a separate waiver shall be necessary.

*Article 16.* 1. A consular officer shall not be required to give evidence as a witness.

<sup>1</sup> United Nations, *Treaty Series*, vol. 500, p. 95.

2. A consular employee who is not a national of the receiving State may give evidence as a witness on request; he may, however, refuse to give evidence concerning circumstances relating to his official activities. No action may be taken to compel a consular employee to give evidence or to appear before a court for that purpose, and such persons may not be prosecuted if they refuse to give evidence or fail to appear in court.

3. Where the consular employee consents to give evidence, all reasonable steps shall be taken to avoid interference in the work of the consular post. Where permissible and possible, oral or written evidence may be given in the consular post or in the living quarters of the consular employee concerned.

4. A consular employee to whom the provisions of paragraph 2 of this article do not apply may refuse to give evidence concerning circumstances relating to his official activities.

5. The provisions of this article shall apply both to court proceedings and to proceedings instituted by administrative authorities.

6. The provisions of paragraphs 1, 2, 4 and 5 of this article shall apply, *mutatis mutandis*, to the members of the families of consular officers and consular employees, provided that they reside with them and are not nationals of the receiving State.

*Article 17.* 1. Consular officers shall be exempt in the receiving State from service in the armed forces and from all forms of compulsory public service.

2. The provisions of paragraph 1 of this article shall also apply to consular employees and to the members of the families of consular officers or consular employees residing with them, provided that in each case the person concerned is not a national of the receiving State.

*Article 18.* Consular officers and consular employees and members of their families residing with them shall be exempt from all requirements under the laws and regulations of the receiving State relating to registration, residence permits and other similar requirements for aliens.

*Article 19.* 1. The receiving State shall exempt the sending State from the levying and collection of all taxes or other similar dues of any kind on:

—Land, buildings or parts of buildings used exclusively for consular purposes, including the living quarters of consular officers and consular employees, provided that the property is owned or rented in the name of the sending State or of any physical or legal person acting on behalf of that State;

—Transactions or instruments relating to the acquisition of such immovable property, provided that the sending State acquires it solely for consular purposes.

2. The provisions of paragraph 1, of this article shall not apply to payment for specific services rendered.

*Article 20.* No taxes or similar dues of any kind shall be levied or collected by the receiving State in respect of movable property which is owned by the sending State, in its possession or at its disposal and is used for consular purposes, or in respect of the acquisition of such property.

*Article 21.* Consular officers and consular employees who are not nationals of the receiving State shall be exempted in the receiving State from the payment of all taxes or other similar dues of any kind levied or collected by the receiving State in respect of salaries received by them for carrying out their official duties.

*Article 22.* Consular officers and consular employees and members of their families residing with them, provided that they are not nationals of the receiving State, shall be exempt in the receiving State from all national and local taxes and other dues of any kind. Such persons shall also be exempt from taxes and dues on movable property belonging to them.

*Article 23.* 1. All articles, including motor vehicles, imported solely for the official use of the consular post shall be exempt from customs duties and any other dues levied in connexion with or by reason of importation on the same basis as articles imported for the official use of the diplomatic mission of the sending State in the receiving State.

2. Consular officers and consular employees and members of their families residing with them, provided that they are not nationals of the receiving State, shall be accorded the same exemption from customs duties and any other dues levied in connexion with or by reason of importation as is accorded to the corresponding category of personnel of the diplomatic mission of the sending State.

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

*Article 24.* All persons to whom privileges and immunities are accorded under this Convention shall, without prejudice to such privileges and immunities, be under an obligation to respect the laws and regulations of the receiving State, including laws and regulations governing traffic and the insurance of motor vehicles.

*Article 25.* Subject to the laws and regulations of the receiving State concerning areas entry into which is prohibited or restricted for reasons of national security, a consular officer or consular employee shall be permitted to travel freely within his consular district to carry out his official duties.

#### CHAPTER IV. CONSULAR FUNCTIONS

*Article 26.* 1. A consular officer shall be entitled, within the consular district, to perform the functions indicated in this chapter. A consular officer may also perform other official consular functions, provided that they are not contrary to the law of the receiving State.

2. In connexion with the performance of his functions, a consular officer may apply, in writing or orally, to the competent authorities of the consular district.

*Article 27.* A consular officer shall be entitled, within the consular district:

1. To defend the rights and interests of the sending State, and of its nationals and bodies corporate;

2. A consular official shall further the strengthening of friendly relations between the sending State and the receiving State and promote the development of economic, commercial, cultural and scientific relations and tourism.

*Article 28.* A consular officer shall be entitled, within the consular district:

- (a) To receive any applications relating to nationality required by the laws of the sending State;
- (b) To keep a register of nationals of the sending State;
- (c) To issue, renew and cancel passports, entry, exit and transit visas, and other similar documents and to amend them;
- (d) To register and receive notification of the birth or death of nationals of the sending State;
- (e) To solemnize and dissolve marriages, provided that both parties are nationals of the sending State;
- (f) To receive applications relating to the family relationships of nationals of the sending State in accordance with the laws of the sending State;
- (g) To legalize documents.

2. The consul shall notify the competent authorities of the receiving State of the registration at the consular post of changes in civil status in accordance with subparagraphs (d) and (e) of paragraph 1 of this article, if such notification is required under local law.

*Article 29.* A consular officer shall be entitled, where the laws of the sending State so empower him, to carry out the formalities for adoption and establish guardianship, provided that the formalities for adoption and the establishment of guardianship fall within the competence of the sending State under the Treaty between the Mongolian People's Republic and the Union of Soviet Socialist Republics concerning the provision of legal assistance in civil, family and criminal cases.<sup>1</sup>

*Article 30.* 1. A consular officer shall be entitled, within the consular district, to perform notarial acts as provided by the laws of the sending State:

- (a) At the request of persons of any nationality for use in the sending State;
- (b) At the request of nationals of the sending State for use outside that State.

2. A consular officer shall be entitled to translate documents and to certify the accuracy of the translation.

*Article 31.* Documents drawn up, certified or translated by a consular officer in accordance with article 30 of this Convention shall be considered in the receiving State of the consular officer as having the same legal effect and evidential value as if they had been drawn up, translated or certified by the competent authorities and establishments of the receiving State.

*Article 32.* 1. The competent authorities of the receiving State shall notify a consular officer as soon as possible of the death of a national of the sending State and shall convey to him information concerning the property of the estate, the heirs and legatees, and the existence of a will.

<sup>1</sup> United Nations, *Treaty Series*, vol. 322, p. 105.



2. The competent authorities shall notify a consular officer of the opening of a succession in the receiving State where an heir or legatee is a national of the sending State.

This shall apply also in cases where the competent authorities learn of the opening of a succession in favour of a national of the sending State in the territory of a third State.

*Article 33.* The functions of consular officers in respect of matters relating to succession shall be governed by the provisions of the Treaty between the Mongolian People's Republic and the Union of Soviet Socialist Republics concerning the provision of legal assistance in civil, family and criminal cases.

*Article 34.* A consular officer shall be entitled, within the consular district, to represent nationals of the sending State before the authorities of the receiving State where such persons are unable, owing to absence or for other valid reasons, to defend their own rights and interests. Such representation shall continue until the persons represented appoint their own agents or themselves assume the defense of their rights and interests.

*Article 35.* 1. A consular officer shall be entitled within the consular district to meet and communicate with any national of the sending State and to advise and render any kind of aid to such nationals, including arrangements for providing them with legal assistance where necessary.

The receiving State shall do nothing to restrict communication between nationals of the sending State and a consular post or the access of such nationals to the consular post.

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

3. Where a national of the sending State has been arrested or otherwise detained or is serving a term of imprisonment, a consular officer shall be entitled to visit and communicate with him immediately.

The rights referred to in this paragraph shall be exercised in accordance with the laws and regulations of the receiving State, with the proviso, however, that such laws and regulations shall not annul these rights.

*Article 36.* 1. A consular officer shall be entitled to extend any kind of assistance and aid to a vessel of the sending State in the ports and territorial or inland waters of the receiving State.

2. A consular officer may board a vessel as soon as the vessel has received *pratique*, and the master of the vessel and members of the crew may communicate with a consular officer.

3. A consular officer may request assistance from the competent authorities of the receiving State on any matters relating to the performance of his functions with respect to vessels of the sending State and the master and members of the crew of such vessels.

*Article 37.* A consular officer shall be entitled, within the consular district, to take the following measures with respect to a vessel of the sending State:

(a) Without prejudice to the rights of the authorities of the receiving State, to investigate any incident occurring on board a vessel of the sending State

during its voyage, question the master and any member of the crew, and request a report with regard to the voyage of the vessel;

- (b) Without prejudice to the rights of the authorities of the receiving State, to settle disputes of any kind between the master and any member of the crew, including disputes relating to wages and the contract of hire, where provision to that effect is made in the law of the sending State;
- (c) To extend any assistance required in connexion with the entry into, departure from and stay in port of a vessel of the sending State;
- (d) To make arrangements for the treatment in hospital and the repatriation of any member of the crew of the vessel;
- (e) To receive, draw up or authenticate any document prescribed by the laws of the sending State in connexion with vessels.

*Article 38.* 1. Where the courts or other competent authorities of the receiving State intend to take any coercive measures or to institute any investigation on board a vessel of the sending State, the competent authorities of the receiving State shall notify the appropriate consular officer in advance so as to enable the consular officer or his representative to be present at the proceedings. If the consular officer or his representative was for any reason not present at such proceedings, the competent authorities of the receiving State shall provide him with a full report of what took place.

2. The provision of paragraph 1 of this article shall also apply in the event that the master or members of the crew of a vessel are to be questioned ashore by the port authorities.

3. The provisions of this article shall not apply, however, to any passport, customs or sanitary examination or to any action taken at the request, or with the consent, of the master of the vessel.

*Article 39.* 1. Where a vessel of the sending State has been damaged in the receiving State or where the competent authorities of the receiving State learn that nationals of the sending State and property belonging to them have been found on board a vessel of a third State which has been damaged in the territory of the receiving State, the competent authorities of the receiving States shall notify the consular officer of the sending State of that fact and of any measures taken to save such nationals and their property.

2. A consular officer may extend all possible assistance to such a vessel, the members of its crew and its passengers. For this purpose he may request assistance from the competent authorities of the receiving State.

A consular officer may take the measures referred to in paragraph 1 of this article and measures for the repair of the vessel or may request the competent authorities to take, or continue to take, such measures.

3. Where a damaged vessel or any article belonging to such a vessel has been found on or near the coast of the receiving State or brought into a port of that State, and neither the master of the vessel, the owner, his agent nor the underwriters concerned are in a position to make arrangements for the custody or disposal of the vessel or article, the consular officer shall be considered authorized to make, on behalf of the owner of the vessel, such arrangements as the owner himself could have made for such purposes.

The provisions of this paragraph shall also apply to any article forming part of the cargo of the vessel and belonging to a national of the sending State.

4. Where any article forming part of the cargo of a damaged vessel of a third State is the property of a national of the sending State and is found on or near the coast of the receiving State or is brought into a port of that State, and neither the master of the vessel, the owner of the article, his agent nor the underwriters concerned are in a position to make arrangements for the custody or disposal of the article, the consular officer shall be considered authorized to make, on behalf of the owner, such arrangements as the owner himself could have made for such purposes.

*Article 40.* The provisions of articles 36, 37, 38 and 39 shall also apply, *mutatis mutandis*, to aircraft.

#### CHAPTER V. FINAL PROVISIONS

*Article 41.* 1. The rights and obligations of consular officers laid down by this Convention shall devolve upon members of the diplomatic staff of a diplomatic mission of the sending State in the receiving State who are entrusted with the performance of consular functions in that mission.

2. The performance of consular functions by the persons referred to in paragraph 1 of this article shall not affect the privileges and immunities which they are accorded by virtue of their diplomatic status.

*Article 42.* 1. This Convention shall be ratified and shall enter into force on the thirtieth day after the exchange of instruments of ratification, which shall take place at Ulan Bator as soon as possible.

2. This Convention shall remain in force until the expiry of six months from the date on which one High Contracting Party notifies the other High Contracting Party of its intention to denounce the Convention.

3. The Consular Convention between the Mongolian People's Republic and the Union of Soviet Socialist Republics, signed at Ulan Bator on 25 August 1958, shall cease to have effect on the entry into force of this Convention.

IN WITNESS WHEREOF the plenipotentiaries of the High Contracting Parties have signed this Convention and have thereto affixed their seals.

DONE at Moscow, on 5 April 1972, in duplicate in the Mongolian and Russian languages, both texts being equally authentic.

For the Presidium  
of the Great People's Khural  
of the Mongolian People's Republic:  
[DUGERSURENGIIN ERDEMBILEG]

For the Presidium  
of the Supreme Soviet of the Union  
of Soviet Socialist Republics:  
[NIKOLAI IVANOVICH MOLYAKOV]