

No. 15183

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
MONGOLIA**

**Consular Convention. Signed at London on 21 November  
1975**

*Authentic texts: English and Mongolian.*

*Registered by the United Kingdom of Great Britain and Northern Ireland  
on 18 January 1977.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
MONGOLIE**

**Convention consulaire. Signée à Londres le 21 novembre  
1975**

*Textes authentiques : anglais et mongol.*

*Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord  
le 18 janvier 1977.*

## CONSULAR CONVENTION<sup>1</sup> BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE MONGOLIAN PEOPLE'S REPUBLIC

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, and The Praesidium of the Great People's Khural of the Mongolian People's Republic;

Animated by the desire further to strengthen the ties of friendship between their respective countries;

Wishing to regulate their relations in the consular field and thus to facilitate the protection of their respective national interests and the rights and interests of their respective nationals;

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

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth (hereinafter referred to as "Her Britannic Majesty"):

For the United Kingdom of Great Britain and Northern Ireland: The Right Honourable The Baron Goronwy-Roberts of Caernarvon and of Ogwen, Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs;

The Praesidium of the Great People's Khural of the Mongolian People's Republic: Mr. Dugersurengiin Erdembileg, Deputy Minister of Foreign Affairs of the Mongolian People's Republic;

who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows:

### PART I. DEFINITIONS

*Article 1.* For the purposes of this Convention:

(a) the term "consulate" shall mean any consulate-general, consulate, vice-consulate or consular agency;

(b) the term "consular district" shall mean the area assigned for the performance of the duties of a consulate;

(c) the term "consular officer" shall mean any person, including the head of a consulate, who has been appointed as such in accordance with the provisions of the Convention, and charged with the performance of consular duties;

(d) the term "consular employee" shall mean any person, not being a consular officer, appointed by the sending State to perform:

(i) administrative or technical duties; or

(ii) service duties;

<sup>1</sup> Came into force on 27 August 1976, i.e., the thirtieth day after the date of the exchange of instruments of ratification, which took place at Ulan Bator on 28 July 1976, in accordance with article 48 (1).

and notified as such to the receiving State in conformity with Article 5;

(e) the term “consular archives” shall include all official correspondence, documents and office equipment intended for official use, together with any article of furniture used for their protection and safekeeping;

(f) the term “vessel of the sending State” shall mean any vessel registered at a port of the sending State; this term shall not, however, include any ship of war;

(g) the term “national” shall mean any person whom the sending State recognises as such in accordance with its laws and regulations, including, where the context so permits, any juridical entity.

## PART II. ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULAR OFFICERS AND EMPLOYEES

*Article 2.* (1) The establishment of a consulate by the sending State in the territory of the receiving State shall be subject to the consent of the latter State.

(2) The sending and receiving States shall determine by agreement the seat of the consulate, its classification and the limits of the consular district.

*Article 3.* (1) The sending State shall request in advance through the diplomatic channel the agreement of the receiving State to the appointment of a consular officer, head of a post.

(2) After such agreement 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 or other document of appointment. The commission or other document shall specify the full name of a consular officer, head of a post, his nationality, his rank, the limits of the consular district in which he will perform his duties and the seat of the consulate.

(3) Upon the presentation of the commission or other document of appointment of a consular officer, head of a post, the *exequatur* or other authorisation shall be granted by the receiving State as soon as possible and free of charge.

(4) A consular officer, head of a post, may enter upon the performance of his duties as soon as the receiving State has granted him an *exequatur* or other authorisation.

*Article 4.* (1) The sending State shall, in advance, notify in writing through the diplomatic channel the ministry of foreign affairs of the receiving State of the full name, nationality, rank and function of a consular officer appointed to a consulate in a capacity other than that of head of a post.

(2) The receiving State shall grant the consular officer concerned an appropriate document confirming his right to perform consular duties in the receiving State.

*Article 5.* The sending State shall, in advance, notify in writing through the diplomatic channel the ministry of foreign affairs of the receiving State of the full name, nationality and function of a consular employee appointed to a consulate.

*Article 6.* (1) A consular officer shall be a national of the sending State and not a national or a permanent resident of the receiving State.

(2) A consular employee may be a national of the sending State, a national of the receiving State or a national of a third State.

*Article 7.* The prior consent of the receiving State shall be required in the case of the following appointments:

- (a) any appointment of a national of the sending State if the person concerned has already been authorised to enter, or reside in, the receiving State for other purposes; this limitation shall not apply, however, in the case of a person who is already a member of the staff of a consulate, or of the diplomatic mission, of the sending State to the receiving State;
- (b) the appointment as a consular employee of a national or a permanent resident of the receiving State or a national of a third State.

*Article 8.* 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 a consular officer or consular employee is unacceptable. The sending State shall thereupon recall the person concerned or terminate his duties at the consulate. If the sending State fails to carry out this obligation within a reasonable period, the receiving State may, in the case of a consular officer, head of a post, withdraw the exequatur or other authorisation or, in the case of any other consular officer or consular employee, decline to continue to recognise him in such capacity.

*Article 9.* The receiving State shall afford its protection to a consular officer and shall take the necessary measures to ensure that he is enabled to perform his duties and is accorded the rights, privileges and immunities due to him under this Convention or otherwise under the laws of the receiving State.

*Article 10.* (1) If a consular officer, head of a post, is unable for any reason to act as such or if the post is temporarily vacant, the sending State may appoint a consular officer belonging to the same consulate or to another consulate in the receiving State or a member of the diplomatic staff of its diplomatic mission to that State to act temporarily in his place. The full name of the person concerned shall be notified as soon as possible to the ministry of foreign affairs of the receiving State.

(2) Such acting officer shall be entitled to perform the duties of the consular officer, head of a post, in whose place he is acting. He shall be subject to the same obligations and shall be accorded the same rights, privileges and immunities as if he had been appointed under Article 3.

(3) Without prejudice to the provisions of paragraph (7) of Article 40, the appointment of a member of the diplomatic staff of the diplomatic mission of the sending State to a consulate in pursuance of paragraph (1) of this Article shall not affect the privileges and immunities accorded to him by virtue of his diplomatic status.

*Article 11.* (1) The diplomatic mission of the sending State in the receiving State may perform consular, in addition to diplomatic, duties. In this event the provisions of this Convention shall apply.

(2) The names of the members of the diplomatic mission charged with the performance of consular duties shall be notified to the ministry of foreign affairs of the receiving State.

(3) Without prejudice to the provisions of paragraph (7) of Article 40, the appointment of a member of the diplomatic staff of the diplomatic mission of the sending State to perform consular duties shall not affect the privileges and immunities accorded to him by virtue of his diplomatic status.

*Article 12.* (1) The sending State may, to the extent that this is permitted under the laws of the receiving State, acquire, hold or occupy under any form of tenure which may exist under those laws, land, buildings or parts of buildings for the purposes of providing a consulate or a residence for a consular officer, or, provided that he is a national of the sending State, a consular employee. Where necessary, the receiving State shall assist the sending State in acquiring land, buildings or parts of buildings for these purposes.

(2) Nothing in the provisions of paragraph (1) of this Article shall be construed so as to exempt the sending State from the operation of any law or regulation relative to building or town planning, or other restriction, applicable to the area in which the land, buildings or parts of buildings concerned are situated.

### PART III. PRIVILEGES AND IMMUNITIES

*Article 13.* (1) The coat of arms or consular shield of the sending State together with an appropriate inscription designating the consulate in the languages of that State and of the receiving State may be affixed to the building in which a consulate is installed, as also on or by the entrance door to the consulate.

(2) The flag of the sending State and its consular flag may be flown at the consulate and also at the residence of a consular officer, head of a post.

(3) The appropriate flag of the sending State may likewise be flown on the means of transport of a consular officer, head of a post, used by him in the performance of his official duties.

*Article 14.* (1) Land, buildings and parts of buildings used exclusively for the purposes of a consulate shall be inviolable. The police or other authorities of the receiving State shall not enter the said land, buildings or parts of buildings except with the consent of the consular officer, head of the post, or of the head of the diplomatic mission of the sending State or of a person nominated by one of them.

(2) The provisions of paragraph (1) of this Article shall apply also to the residence of a consular officer.

(3) Nothing in the provisions of paragraphs (1) and (2) of this Article shall be construed so as to exempt the sending State from the obligation, as set out in paragraph (2) of Article 12, to comply with the laws and regulations of the receiving State relative to building or town planning.

*Article 15.* (1) The consular archives and documents shall be inviolable at all times and wherever they may be.

(2) Documents and objects of an unofficial character shall not be kept in the archives.

*Article 16.* (1) A consulate shall be entitled to exchange communications with the Government of the sending State and with the diplomatic mission, and with other consulates, of that State in the receiving State. For this purpose the consulate may employ all public means of communication, as also couriers, sealed

pouches and bags and may make use of cyphers. In respect of public means of communication the same tariffs shall be applied in the case of a consulate as are applied in the case of the diplomatic mission.

(2) The official correspondence of a consulate transmitted by public means of communication as also the sealed pouches and bags referred to in paragraph (1) of this Article shall, provided that they bear visible external marks of their official character, be inviolable and shall not be subject to examination or detention by the authorities of the receiving State. The said pouches and bags shall contain only official correspondence and objects intended exclusively for official use.

(3) Persons charged with the conveyance of consular pouches and bags shall be accorded the same rights, privileges and immunities as are accorded by the receiving State to the diplomatic couriers of the sending State.

(4) The master of a vessel or the commander of a civil aircraft scheduled to land at a permitted place of entry into the receiving State may be charged with the conveyance of consular pouches and bags. In any such case the master or commander shall not be considered to be a consular courier; he shall, however, be provided with an official document indicating the number of bags and pouches so entrusted to him. By arrangement with the appropriate authorities of the receiving State, the consulate may send a consular officer or consular employee to hand over, or to take possession of, the bags and pouches, directly and freely from the master or commander.

*Article 17.* (1) (a) A consular officer shall be immune from the criminal jurisdiction of the receiving State. He shall also be immune from its civil and administrative jurisdiction except in the cases referred to in paragraph (7) of Article 40 of this Convention and in sub-paragraphs (a), (b) and (c) of paragraph 1 and in paragraph 3 of Article 31 of the Vienna Convention on Diplomatic Relations signed on 18 April, 1961.<sup>1</sup>

(b) The provisions of sub-paragraph (a) of this paragraph shall apply also to members of the family of the consular officer, residing with him, provided in each case that the person concerned is not a national or a permanent resident of the receiving State.

(2) (a) A consular employee, as defined in sub-paragraph (d) (i) of Article 1, provided that he is not a national or a permanent resident of the receiving State, shall be immune from the criminal jurisdiction of that State. He shall also be immune from the civil and administrative jurisdiction of that State in respect of any act performed in his official capacity.

(b) The provisions of the first sentence of sub-paragraph (a) of this paragraph shall apply also to members of the family of a consular employee, as defined in sub-paragraph (d) (i) of Article 1, residing with him, provided in each case that the person concerned is likewise not a national or a permanent resident of the receiving State.

(3) A consular employee, as defined in sub-paragraph (d) (ii) of Article 1, provided that he is not a national or a permanent resident of the receiving State, shall be immune from the jurisdiction of that State in respect of any act performed in his official capacity.

(4) In the event of the arrest or detention of, or the institution of criminal proceedings against, a consular employee, or a member of the family of a consular

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

officer or a consular employee, who is not entitled to immunity from jurisdiction or personal inviolability under the provisions of this Article or of Article 18, the receiving State shall immediately so inform the appropriate consular officer.

*Article 18.* (1) The person of a consular officer shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all necessary measures to prevent any attack on his person, freedom or dignity.

(2) The provisions of paragraph (1) of this Article shall apply also to members of the family of the consular officer residing with him, provided in each case that the person concerned is not a national or a permanent resident of the receiving State.

*Article 19.* (1) A consular officer shall not be obliged to give evidence as a witness. At the request of the receiving State he may, however, do so in the interests of justice, provided that the sending State does not raise objection. In this event he may decline to give evidence with regard to matters falling within the scope of his official duties or in the capacity of an expert witness with regard to the laws of the sending State.

(2) If a consular officer declines to give evidence as a witness no coercive measures shall be taken to compel him to do so and no penalty shall be imposed upon him.

(3) The provisions of paragraphs (1) and (2) of this Article shall apply also to a consular employee, as defined in sub-paragraph (d) (i) of Article 1, provided that he is not a national or a permanent resident of the receiving State.

(4) A consular employee to whom the preceding provisions of this Article do not apply may decline to give evidence as a witness with regard to matters falling within the scope of his official duties or in the capacity of an expert witness with regard to the laws of the sending State.

(5) If a consular officer or consular employee gives evidence as a witness in pursuance of this Article all reasonable steps shall be taken to avoid interference with the work of the consulate. Subject to the consent of the receiving State the evidence may be taken, orally or in writing, at the consulate or at the residence of the consular officer or consular employee.

(6) The provisions of this Article shall apply to proceedings before the administrative tribunals as well as to proceedings before the courts of the receiving State.

(7) The provisions of this Article shall apply also to the members of the family of the consular officer or consular employee, residing with him, provided in each case that the person concerned is not a national or a permanent resident of the receiving State.

(8) The provisions of this Article shall be without prejudice to the provisions of paragraph (7) of Article 40.

*Article 20.* (1) The sending State may waive any of the privileges and immunities provided for in Articles 17, 18 and 19.

(2) Without prejudice to the provisions of paragraph (3) of this Article, the waiver shall in all cases be express and shall be communicated in writing to the receiving State.

(3) The initiation of proceedings by a person entitled to immunity from jurisdiction under Article 17 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

(4) Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgement for which a separate waiver shall be required.

*Article 21.* (1) A consular officer shall be exempt in the receiving State from service in the armed forces and from compulsory public service of any kind.

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

*Article 22.* (1) A consular officer, as also, provided that he is not a permanent resident of the receiving State, a consular employee, shall be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens and permission to reside.

(2) The provisions of paragraph (1) of this Article shall apply also to members of the family of a consular officer or consular employee, residing with him, provided in each case that the person concerned is not a permanent resident of the receiving State.

*Article 23.* The child of a consular officer, as also the child of a consular employee, provided that he is a national of the sending State and is not a permanent resident of the receiving State, shall not acquire the nationality of the latter State solely by virtue of birth in that State during the period of the assignment of the person concerned to that State.

*Article 24.* (1) No tax or other similar charge of any kind shall be imposed or collected by the receiving State in respect of:

- (a) land, buildings or parts of buildings used exclusively for consular purposes, including the purposes of providing a residence for a consular officer or consular employee, provided that the premises in question are owned or leased in the name of the sending State or of a natural or juridical person acting on behalf of that State;
- (b) transactions or instruments relating to the acquisition of immovable property by the sending State exclusively for consular purposes as specified in sub-paragraph (a) of this paragraph.

(2) The provisions of sub-paragraph (a) of paragraph (1) of this Article shall not apply with regard to payments due in respect of services rendered.

*Article 25.* No tax or other similar charge of any kind for the payment of which the sending State, or a natural or juridical person acting on its behalf, would otherwise be legally liable shall be imposed or collected by the receiving State in respect of the acquisition, ownership, possession or use of movable property by the sending State for consular purposes.

*Article 26.* A consular officer or, provided that he is not a national of the receiving State, a consular employee, shall be exempt in that State from all taxes

or other similar charges of any kind imposed or collected by the receiving State in respect of the official emoluments, salary, wages or allowances received by him as compensation for his official duties.

*Article 27.* (1) Subject to the provisions of paragraph (2) of this Article a consular officer or consular employee, provided in either case that he is not a national of the receiving State, that he is not engaged in private occupation for gain in the receiving State and that he is a permanent official of the sending State, shall in his private capacity be exempt in the receiving State from all taxes or other similar charges of any kind imposed or collected by that State for the payment of which he would otherwise be the person legally liable.

(2) The provisions of paragraph (1) of this Article shall not, however, apply with respect to:

- (a) taxes on the acquisition, ownership, occupation or disposal of immovable property situated within the receiving State;
- (b) without prejudice to the provisions of Article 26, taxes on income derived from other sources, or on the appreciation of assets, within the receiving State;
- (c) taxes on transactions, or instruments effecting transactions, including stamp duties imposed or collected in connection therewith;
- (d) without prejudice to the provisions of Article 28, taxes on the passing at death, including by inheritance, of property.

*Article 28.* If a consular officer or consular employee or a member of his family, residing with him, dies and leaves movable property in the receiving State, no tax or other similar charge of any kind shall be imposed or collected by the receiving State in respect of that property, provided that the person concerned was not a national of the receiving State and that the presence of the property in that State was due solely to the presence of the deceased in his capacity as a consular officer or consular employee or as a member of the family of such an officer or employee.

*Article 29.* (1) All articles, including motor vehicles, imported for the official use of a consulate shall be exempt from customs inspection and customs duties and other taxes or similar charges of any kind imposed upon or by reason of importation to the same extent as if they were imported for its official use by the diplomatic mission of the sending State in the receiving State.

(2) (a) A consular officer or consular employee shall, provided in either case that he is not a national of the receiving State, that he is not engaged in private occupation for gain in that State and that he is a permanent official of the sending State, be exempt from customs duties and other taxes or similar charges of any kind in respect of articles imported by him for personal use or consumption, including motor vehicles, to the same extent as a member of the corresponding category of staff of the diplomatic mission of the sending State.

(b) The provisions of sub-paragraph (a) of this paragraph shall apply also to members of the family of the consular officer or consular employee, residing with him, provided in each case that the person concerned is not a national of the receiving State and is not engaged in private occupation for gain in that State.

(3) For the purposes of paragraph (2) of this Article the expression "a member of the corresponding category of staff of the diplomatic mission" refers,

in relation to a consular officer, to a member of the diplomatic staff and, in relation to a consular employee, to a member of the administrative and technical staff.

(4) The personal baggage accompanying a consular officer or a member of his family, residing with him, shall be exempt from customs inspection to the same extent as the personal baggage of a diplomatic agent.

(5) The High Contracting Parties shall at an appropriate time enter into negotiations for the conclusion of a separate agreement to regulate the application of the provisions of this Article in relation to consular officers and consular employees who are not also members of the diplomatic mission.

*Article 30.* Subject to the laws and regulations of the receiving State with regard to areas into which entry is prohibited or restricted for reasons of national security, a consular officer or consular employee, as also members of his family, residing with him, shall be permitted to travel freely within the consular district.

*Article 31.* All persons to whom privileges and immunities are accorded under this Convention shall, without prejudice to the said privileges and immunities, be under an obligation to respect the laws and regulations of the receiving State, including those relative to the control of traffic and to the insurance of motor vehicles.

#### PART IV. CONSULAR FUNCTIONS

*Article 32.* (1) A consular officer shall be entitled to perform the duties specified in this Part. He may, in addition, perform other consular duties, provided that they are not contrary to the laws of the receiving State.

(2) In connection with the performance of his duties, a consular officer shall be entitled to apply to:

- (a) the competent local authorities within his consular district;
- (b) the central authorities of the receiving State to such extent as the laws and usages of that State permit.

(3) A consular officer shall be entitled to perform consular duties only within his own consular district. The performance by him of consular duties outside that district shall be subject to the consent of the receiving State.

(4) Upon notification to the receiving State, a consular officer shall be entitled to perform consular duties on behalf of a third State, provided that the receiving State does not raise objection.

(5) A consular officer may, on notification to the receiving State, act as representative of the sending State to an international organisation. In this capacity he shall be entitled to receive any facilities, privileges and immunities accorded to such a representative by international law.

(6) A consular officer shall be entitled to levy in the receiving State the fees and charges prescribed under the laws and regulations of the sending State for the performance of consular services.

*Article 33.* (1) A consular officer shall be entitled to communicate with, interview and advise a national of the sending State, to aid him in relations with, or in proceedings before, the authorities of the receiving State (judicial or

administrative), make arrangements for legal assistance for him, where necessary, and, at the request of the said authorities or with their consent, act as interpreter on behalf of such a national or designate an interpreter so to act.

(2) No restriction shall be placed by the receiving State upon the access of a national of the sending State to the consulate or upon communication by him with the consulate.

*Article 34.* A consular officer shall be entitled:

- (a) to protect the rights and to promote the interests of the sending State and of its nationals;
- (b) to further the expansion of commercial, economic, cultural and scientific contacts between the sending State and the receiving State and to contribute in other ways towards the development of friendly relations between them.

*Article 35.* (1) A consular officer shall be entitled:

- (a) to receive such declarations as may be required to be made under the laws of the sending State relative to nationality;
- (b) to keep a register of nationals of the sending State;
- (c) to register or receive notification of the birth or death of a national of the sending State;
- (d) to receive declarations pertaining to the family relationships of a national of the sending State in accordance with the laws of that State.

(2) Nothing in the provisions of sub-paragraph (c) of paragraph (1) of this Article shall exempt any private person from any obligation imposed by the laws of the receiving State with regard to the notification to, or registration with, the competent authorities of that State of any matter dealt with in those provisions.

*Article 36.* A consular officer shall be entitled to issue, revoke, renew, amend and extend the validity of passports, entry, exit and transit visas and other similar documents.

*Article 37.* (1) A consular officer shall be entitled:

- (a) to draw up, attest, certify, authenticate, legalise or otherwise validate, legal acts and documents of a juridical character, or copies thereof, required:
  - (i) by a person of any nationality for use in the sending State or under the laws of that State; or
  - (ii) by a national of the sending State for use elsewhere than in that State;
- (b) to translate documents and to certify the accuracy of the translation.

(2) In any case where a document referred to in paragraph (1) of this Article is required for use in the receiving State, the authorities of that State shall be obliged to recognise its validity only to the extent that this is consistent with the laws and regulations of the receiving State.

(3) In exercising the rights accorded under this Article a consular officer shall act in conformity with the laws and regulations of the receiving State.

*Article 38.* A consular officer shall be entitled, in accordance with the laws of the receiving State, to represent, personally or through an authorised

representative, a national of the sending State before the authorities of the receiving State, if the latter is unable, for reasons of absence or for other serious reasons, to undertake the defence of his rights and interests at the proper time. The representation shall continue until the national concerned appoints his representative or undertakes himself the defence of his rights and interests. A consular officer may also propose to the competent authority that consideration of the matter be postponed until such time as the national has been informed and has reasonable opportunity to be present or represented.

*Article 39.* Where it is brought to the knowledge of the competent authorities of the receiving State that a national of the sending State has died in the former State they shall, without delay, inform the appropriate consular officer accordingly and shall transmit to him a copy of the death certificate or other document recording the death.

*Article 40.* (1) (a) Where it is brought to the knowledge of the competent authorities of the receiving State that in that State there is an estate

— of a deceased person of any nationality in relation to which a consular officer may have a right to represent interests by virtue of the provisions of paragraph (3) of this Article;

— or of a national of the sending State in relation to which no person (other than an authority of the receiving State) entitled to claim administration is present in the receiving State or represented in that State

the said authorities shall so inform the appropriate consular officer of the sending State.

(b) The consular officer shall likewise inform the competent authorities of the receiving State if such information should reach him through any other channel.

(2) Where a deceased national of the sending State leaves property in the receiving State the consular officer shall be entitled to take steps personally or through an authorised representative:

(a) for the protection and preservation of the estate;

(b) for the full administration of the estate.

(3) Where a national of the sending State holds or claims an interest in property left in the receiving State by a deceased person of any nationality and is not present in the receiving State or otherwise represented in that State, the consular officer shall likewise be entitled to represent the interests of the said national to the same extent as if valid powers of attorney had been executed by him in favour of the consular officer.

(4) It is understood that:

(a) the consular officer may take action in conformity with paragraphs (2) and (3) of this Article only in the absence of such action by a person having equal or superior rights so to act or by his representative;

(b) if it is necessary under the laws of the receiving State to obtain a grant of representation or order of a court before action can be taken in pursuance of paragraph (2) or of paragraph (3) of this Article such grant or order shall be made consistently with the laws of the receiving State in favour of the consular officer upon his application. Where under the laws of the receiving

State the grant or order can be made only in the name of the national concerned, it shall be so made and the consular officer may take action on the basis of that grant or order in conformity with the provisions of this Article.

(5) A consular officer may, on behalf of a national of the sending State not present in the receiving State receive, from a judicial authority, agency or person, money or other property to which the national concerned may be entitled as a consequence of the death of any person. The judicial authority, agency or person in question may require that the consular officer shall comply with such conditions as it may prescribe with regard to:

- (a) the production of a power of attorney or other authorisation from the national concerned;
- (b) the production of reasonable evidence of the receipt of such money or property by the said national;
- (c) the return of the money or property in the absence of such evidence.

(6) (a) If a national of the sending State dies while travelling in or passing through the receiving State, not being domiciled in that State, the consular officer may for the purpose of safeguarding the money and effects in the personal possession of the deceased take immediate custody thereof.

(b) The consular officer shall be entitled to retain for disposal in conformity with the appropriate law of succession those objects which the deceased national had with him for personal use but any right to retain possession of money or other effects shall be subject, except where the laws of the receiving State otherwise provide, to the provisions of paragraphs (2), (3) and (4) of this Article.

(7) If a consular officer exercises the rights accorded under this Article with regard to an estate he shall, notwithstanding the provisions of Articles 17, 18 and 19, be subject to that extent to the civil jurisdiction of the receiving State.

**Article 41.** (1) A consular officer shall be entitled to propose to a judicial or administrative authority of the receiving State the names of appropriate persons to act as guardians or trustees in respect of a national of the sending State or in respect of the property of such a national in any case where that property is left without supervision.

(2) If the authority concerned considers that a person proposed is for any reason unacceptable the consular officer may propose a new candidate.

**Article 42.** (1) In any case where a national of the sending State has been arrested, detained or subjected to any other deprivation of personal liberty, the competent authorities of the receiving State shall notify the appropriate consular officer of the former State accordingly. Such notification shall be made as soon as possible and at latest within one to three days from the moment on which the national was arrested, detained or subjected to any other deprivation of personal liberty, having regard to the means of communication available.

(2) (a) In any case where the provisions of paragraph (1) apply and where the national has not yet been brought to trial, the consular officer shall have the right to communicate with, to visit and converse with the national and to take the necessary steps to provide him with legal assistance and representation. A visit shall be permitted as soon as possible and at latest within two to four days from the moment on which the national was arrested, detained or subjected to any other deprivation of personal liberty, having regard to the whereabouts of the

national. Subsequent visits shall be permitted on a recurrent basis and at reasonable intervals. Any communication from the national to the consular officer, or, if the competent authorities of the receiving State consider it necessary to retain the original thereof, a copy of the communication shall be forwarded immediately to the consular officer.

(b) The provisions of sub-paragraph (a) of this paragraph shall apply also in any case where a national who has been convicted and is serving a sentence of imprisonment is entitled to appeal under the ordinary rules as to the time within which an appeal may be made.

(3) In any case where a national of the sending State has been convicted and is serving a sentence of imprisonment and the provisions of sub-paragraph (b) of paragraph (2) do not apply, the consular officer shall have the right to communicate with, to visit and converse with him. Visits shall be permitted on a recurrent basis and at reasonable intervals.

(4) (a) In the event of the institution of criminal proceedings against a national of the sending State the consular officer shall, consistently with the laws and regulations of the receiving State, be informed, on request, of the particulars of the offences alleged against the national.

(b) The consular officer shall, consistently with the laws and regulations of the receiving State, be entitled to be present during the trial in the receiving State of a national of the sending State.

(5) The communications and conversations provided for in this Article may, at the choice of the consular officer, be in the language of the sending State or of the receiving State, or, with the consent of the competent authorities of the receiving State, in another language.

(6) The consular officer may send to a national of the sending State, to whom the provisions of this Article apply, parcels containing food, clothes and reading and writing materials to the extent that the applicable regulations of the institution in which the national is detained so permit.

(7) The rights to communicate, visit and converse with a national to whom this Article applies shall be accorded in conformity with the applicable laws and regulations of the receiving State, always provided, however, that the application of the said laws and regulations shall not derogate from the rights to communicate, visit and converse with the national.

(8) The competent authorities of the receiving State shall, without delay, inform the national concerned of the rights of communication, visit and converse granted under this Article.

**Article 43.** (1) A consular officer shall be entitled to render every assistance and aid to a vessel of the sending State which has come to a port or other place of anchorage within the consular district.

(2) A consular officer may communicate with the vessel and, as soon as the vessel has been given permission to establish contact with the shore (*pratique*), proceed on board.

(3) The master and members of the crew shall be permitted to communicate with the consular officer. They may also, subject to the laws and regulations of the receiving State with regard to the port area and the admission of foreigners, proceed to the consulate.

(4) A consular officer may invoke the aid of the competent authorities of the receiving State in any matter relating to the performance of his duties with respect to a vessel of the sending State or to the master and members of the crew of such a vessel.

*Article 44.* (1) A consular officer shall be entitled:

- (a) to investigate, without prejudice to the rights of the authorities of the receiving State, any incident occurring on board a vessel of the sending State during her voyage, question the master and any member of the crew, examine the vessel's papers, take statements with regard to her voyage and destination and generally facilitate the entry into, stay in and departure from a port of the vessel;
- (b) to arrange, provided that this is not contrary to the laws of the receiving State, for the engagement and discharge of the master or any member of the crew;
- (c) to settle, without prejudice to the rights of the authorities of the receiving State, disputes of any kind between the master and any member of the crew, including disputes as to wages and contracts of service, to the extent that this is permitted under the laws of the sending State;
- (d) to make arrangements for the treatment in a hospital and for the repatriation of the master or any member of the crew of the vessel;
- (e) to receive, draw up or execute any declaration or other document prescribed by the laws of the sending State in connection with vessels.

(2) A consular officer may, to the extent that the laws of the receiving State permit him to do so, appear with the master or any member of the crew of the vessel before the judicial and administrative authorities of that State, render them every assistance and act as interpreter, where necessary, in matters between them and these authorities.

*Article 45.* (1) Where it is the intention of the judicial or administrative authorities of the receiving State to take any coercive action or to institute any formal enquiry on board a vessel of the sending State they shall so inform the appropriate consular officer. Except where this is impossible on account of the urgency of the matter, such notification shall be made in time to enable the consular officer or his representative to be present. If the consular officer has not been present or represented he shall, upon request, be provided by the authorities concerned with full information with regard to what has taken place.

(2) The provisions of paragraph (1) of this Article shall apply also in any case where it is the intention of the competent authorities of the port area to question the master or any member of the crew ashore.

(3) The provisions of this Article shall not, however, apply to any routine examination by the authorities with regard to customs, immigration or public health nor to any action taken at the request, or with the consent, of the master of the vessel.

*Article 46.* (1) In any case where a vessel of the sending State is wrecked, runs aground, is swept ashore or otherwise sustains damage in the receiving State or if any article forming part of the cargo of a wrecked vessel of a third State, being the property of the sending State or of a national of that State, is found on or near the coast of the receiving State or is brought into a port of that State, the competent authorities of the receiving State shall as soon as possible notify the

appropriate consular officer accordingly. They shall also inform him of measures already taken for the preservation of the vessel, of the lives of persons on board the vessel, of the cargo and other property on board and of articles belonging to the vessel, or forming part of her cargo, which have become separated from the vessel.

(2) The consular officer may render all aid to the vessel, her passengers and members of her crew and for this purpose may invoke the assistance of the competent authorities of the receiving State. He may take the measures referred to in paragraph (1) of this Article as also measures for the repair of the vessel, or may request the authorities to take, or continue to take, such measures.

(3) (a) Where the vessel or any article belonging thereto 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 is in a position to make arrangements for the custody or disposal of the vessel or article, the consular officer shall be deemed to be authorised to make, on behalf of the owner of the vessel or article, the same arrangements as the owner himself could have made for such purposes.

(b) The provisions of sub-paragraph (a) of this paragraph shall apply also to any article forming part of the cargo of the vessel and being the property of a national of the sending State.

(4) (a) The vessel, cargo, equipment and fittings, stores or other articles from the vessel, provided that they are not delivered for use or consumption in the receiving State, shall not be liable to customs duties or other taxes of any kind imposed upon or by reason of importation.

(b) Nothing in the provisions of sub-paragraph (a) of this paragraph shall be construed so as to preclude the application of the laws and regulations of the receiving State with regard to the temporary storage of goods.

(5) Where any article forming part of the cargo of a wrecked 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 nor the owner of the vessel, the owner of the article, his agent nor the underwriters concerned is in a position to make arrangements for the custody or disposal of the article, the consular officer shall be deemed to be authorised to make, on behalf of the owner, such arrangements as the owner himself could have made for such purposes.

*Article 47.* The provisions of Articles 43 to 46 shall apply also in relation to civil aircraft to the extent that they are capable of such application.

#### PART V. FINAL PROVISIONS

*Article 48.* (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 for a period of five years. In case neither High Contracting Party shall have given to the other, six months before the expiry of the said period of five years, notice of intention to terminate the Convention, it shall continue to remain in force until the expiry of six months from the date on which notice of such intention is given by one High Contracting Party to the other.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Convention and affixed thereto their seals.

DONE in duplicate at London this 21st day of November, 1975, in the English and Mongolian languages, both texts being equally authoritative.

For Her Britannic Majesty:

GORONWY-ROBERTS OF CAERNARVON AND OGWEN

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

Дээр дурдсаныг нотолж бүрэн эрхт төлөөлөгчид энэхүү Конвенцид гарын үсэг зурж, тамга дарав.

Энэхүү Конвенцийг 1975 оны арван нэгдүгээр сарын 21-ний өдөр Лондон хотноо англи, монгол хэл дээр тус бүр хоёр эх хувь үйлдсэн бөгөөд эх хувь тус бүр нэгэн адил хүчинтэй болно.

Британийн Хатан Хааны  
өмнөөс:

Бүгд Найрамдах Монгол Ард Улсын  
Ардын Их Хурлын Тэргүүлэг-  
чдийн өмнөөс:

Д. ЭРДЭМБИЛЭГ<sup>1</sup>

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<sup>1</sup> D. Erdembileg.