

No. 17917

UNION OF SOVIET SOCIALIST REPUBLICS
and
SYRIAN ARAB REPUBLIC

**Consular Convention (with protocol). Signed at Damascus
on 3 June 1976**

**Exchange of notes constituting an agreement amending arti-
cle 16 of the above-mentioned Convention. Damascus,
24 April and 18 May 1978**

Authentic texts: Russian and Arabic.

Registered by the Union of Soviet Socialist Republics on 30 July 1979.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**
et
RÉPUBLIQUE ARABE SYRIENNE

**Convention consulaire (avec protocole). Signée à Damas le
3 juin 1976**

**Échange de notes constituant un accord modifiant l'ar-
ticle 16 de la Convention susmentionnée. Damas,
24 avril et 18 mai 1978**

Textes authentiques : russe et arabe.

*Enregistrés par l'Union des Républiques socialistes soviétiques le 30 juillet
1979.*

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE SYRIAN ARAB REPUBLIC

The Government of the Union of Soviet Socialist Republics and the Government of the Syrian Arab Republic,

Desiring further to develop the existing friendly relations and co-operation between the two States,

Wishing to regulate consular ties between them,

Have decided to conclude this Consular Convention and for that purpose have agreed as follows:

PART I. DEFINITIONS

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

1. "Consulate" shall mean a consulate-general, consulate, vice-consulate or consular agency.

2. "Consular district" shall mean the area in which the consulate exercises its functions.

3. "Head of consulate" shall mean a person who is in charge of a consulate.

4. "Consular officer" shall mean any person, including the head of a consulate, who is authorized to exercise consular functions.

5. "Consular employee" shall mean any person, not a consular officer, performing administrative, technical or domestic service duties in the consulate.

6. "Consular premises" shall mean the buildings, parts of buildings, auxiliary premises and land ancillary to such buildings, parts of buildings of auxiliary premises used exclusively for the purposes of the consulate, irrespective of ownership.

7. "Consular archives" shall mean all official correspondence, ciphers, documents, books, office equipment and supplies, and equipment intended for their safe keeping.

8. "Vessel of the sending State" shall mean any vessel flying the flag of that State.

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

Article 2. 1. The establishment of a consulate in the receiving State shall be subject to the consent of that State.

2. The sending and receiving States shall determine by agreement the seat of the consulate and the limits of the consular district.

Article 3. Only a national of the sending State may be a consular officer.

¹ Came into force on 23 February 1979, i.e., the thirtieth day after the exchange of the instruments of ratification, which took place at Moscow, in accordance with article 43 (1).

Article 4. 1. Prior to the appointment of a head of consulate, the sending State shall obtain, through the diplomatic channel, the consent of the receiving State to such appointment.

2. The sending State shall transmit through its diplomatic mission to the Ministry of Foreign Affairs of the receiving State the consular commission or other document of appointment of the head of consulate. The commission or other document shall specify the full name of the head of consulate, his rank, the consular district in which he will perform his duties and the seat of the consulate.

3. On presentation of the commission or other document of appointment of the head of consulate, the exequatur or other authorization to exercise his consular function shall be granted as soon as possible and free of charge by the receiving State.

4. The head of consulate 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, the receiving State may permit the head of consulate to exercise his consular functions on a provisional basis.

6. As soon as the head of consulate has been recognized, even on a provisional basis, the authorities of the receiving State shall make the necessary arrangements to enable him to perform his functions.

Article 5. 1. The sending State shall notify the Ministry of Foreign Affairs of the receiving State of the full name and function of consular officers appointed in a capacity other than that of head of consulate.

The receiving State shall consider them to have taken up their duties after the receipt of such notification by the Ministry of Foreign Affairs.

2. The competent authorities of the receiving State shall issue appropriate identity documents to consular officers and consular employees and members of their families residing with them.

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 consulate has been revoked or that a consular officer or consular employee is unacceptable. The sending State shall thereupon recall him in the event that he has already taken up his appointment. If it fails to carry out this obligation within a reasonable period, the receiving State may decline to continue to recognize the person concerned as a consular officer or consular employee.

Article 7. 1. If a head of consulate is unable for any reason to act as such or if his post is temporarily vacant, the sending State may authorize a consular officer belonging to the same or another consulate in the receiving State or one of the members of the diplomatic staff of its diplomatic mission in the receiving State to act as temporary head of consulate. 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 consulate shall enjoy the same rights, privileges and immunities as are accorded to a head of consulate under the provisions of this Convention.

3. The temporary appointment to the consulate of a member of the diplomatic staff of the diplomatic mission of the sending State in accordance with paragraph 1 of

this article shall not affect the privileges and immunities accorded to him by virtue of his diplomatic status.

Article 8. 1. Members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State who have been entrusted with the performance of consular functions in the diplomatic mission shall have the same rights and duties as are provided for in this Convention in respect of consular officers.

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

Article 9. 1. The sending State may, under the conditions and in the form provided for in the law of the receiving State, hold or occupy any land, buildings, parts of buildings and auxiliary premises, erect and reconstruct buildings and adapt any land required for the purposes of establishing consular premises and living quarters for consular officers and consular employees, within the limits and scope mutually agreed upon by the two States. Where necessary, the receiving State shall assist the sending State in this connection.

2. Nothing in the provisions of paragraph 1 of this article shall be deemed to exempt the sending State from the obligation to comply with any building or town-planning laws or regulations applicable to the area in which the land, buildings, parts of buildings or auxiliary premises concerned are situated.

PART III. PRIVILEGES AND IMMUNITIES

Article 10. Where necessary, the receiving State shall make the necessary arrangements to ensure the protection of consular premises, the residence of the head of consulate and the living quarters of the other consular officers.

Article 11. 1. A consular shield bearing the coat of arms of the sending State and designating the consulate in the language of that State and the language of the receiving State may be affixed to the outside of the building in which the consulate is situated.

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

3. A head of consulate may fly the flag of the sending State from his means of transport.

Article 12. The consular premises and the residence of the head of consulate shall be inviolable. The authorities of the receiving State may not enter them except with the consent of the head of consulate, the head of the diplomatic mission of the sending State, or a person designated by one of them.

In the event that a fire or other natural calamity threatens the safety of citizens or property of the receiving State in the immediate vicinity, consent shall be given within a reasonable, specified period of time.

Article 13. The consular archives shall be inviolable at all times and wherever they may be.

Article 14. 1. The receiving State shall grant and maintain the right of the consulate to communicate freely for all official purposes. For communications with

the Government, diplomatic missions or other consulates of the sending State, wherever they may be located, the consulate may use all appropriate means including diplomatic and consular bags and messages in code or cipher. However, the consulate may install or operate a radio transmitter only with the consent of the receiving State.

2. The official correspondence of a consulate, regardless of the means of communication used, and consular bags bearing visible external marks of their official character shall be inviolable and shall not be subject to detention 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 provided that they have in their possession official documents which attest to their status.

4. A consular bag may be entrusted to the captain of a vessel or aircraft. 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. By agreement with the competent authorities of the receiving State, a consular officer may take possession of a consular bag directly and freely from the captain of the vessel or aircraft and may also hand a consular bag to him.

Article 15. 1. The head of consulate and members of his family residing with him shall enjoy complete personal inviolability and shall not be subject to detention or arrest in any circumstances.

2. Other consular officers and members of their families residing with them shall not be detained or remanded in custody except in cases where they have committed serious crimes and a charge has been brought by the competent judicial authorities, or in execution of final sentence by a court.

This provision shall not apply to persons who are nationals or permanent residents of the receiving State.

3. The receiving State shall treat consular officers, consular employees and members of their families residing with them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity.

Article 16. 1. Consular officers, consular employees and members of their families residing with them shall be immune from the jurisdiction of the receiving State, except for civil actions:

- (a) Relating to private immovable property situated in the territory of the receiving State, unless they hold it on behalf of the sending State for consular purposes;
- (b) Relating to successions in which they are involved in the capacity of executor, administrator, heir or legatees as private persons and not on behalf of the sending State;
- (c) Relating to professional or commercial activity exercised by them in the receiving State outside their official functions;
- (d) Arising out of a contract concluded by them in which they did not contract expressly or impliedly as representatives of the sending State;
- (e) Relating to civil liability arising from motor-vehicle accidents.

2. The immunities provided for in this article shall not apply to persons who are nationals or permanent residents of the receiving State.

Article 17. The sending State may waive the immunities of consular officers, consular employees and members of their families residing with them. Such waivers shall in all cases be express and shall be notified in writing.

Waiver of immunity from jurisdiction in respect of civil proceedings shall not be held to imply waiver of immunity in respect of execution of the judgement, for which a separate waiver must be made.

Article 18. 1. A consular officer may be called upon to give evidence as a witness in judicial or administrative proceedings. However, no coercive measures may be applied against him if he should refuse to give evidence.

2. A consular employee may be called upon to give evidence before the courts or other competent authorities of the receiving State. He may refuse to give evidence concerning matters connected with official duties.

However, in no case may any coercive measures be applied against consular employees.

3. The provisions of this article shall apply, *mutatis mutandis*, to 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 19. Consular officers, consular employees and members of their families residing with them shall, provided that they are not nationals of the receiving State, be exempt in the receiving State from service in the armed forces and from compulsory public service of any kind.

Article 20. Consular officers and members of their families residing with them shall be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens, residence permits and other similar matters.

Consular employees and members of their families residing with them shall be registered, in accordance with the procedure prevailing in the receiving State, through the Ministry of Foreign Affairs, but shall be exempt from all taxes and charges relating to registration. This provision shall not apply to persons who are nationals or permanent residents of the receiving State.

Article 21. 1. The consular premises and residence of the head of consulate, whether owned or leased by the sending State or any person acting on its behalf, shall be exempt from all State, regional and municipal taxes, charges and duties, with the exception of those which are levied in respect of specific services rendered.

2. The tax exemptions mentioned in paragraph 1 of this article shall not apply to those taxes, charges and duties levied, in accordance with the legislations of the receiving State, on persons who have entered into a contract with the sending State or with a person acting on its behalf.

Article 22. The sending State shall be exempt from taxes or other similar charges of any kind in respect of the acquisition, ownership, possession or use of movable property by that State for consular purposes.

Article 23. 1. Consular officers and consular employees shall be exempt from all taxes or other similar charges of any kind imposed or collected by the receiving State in respect of the salaries or wages received by them as compensation for their official duties.

2. Consular officers, consular employees and members of their families residing with them shall be exempt in the receiving State, in addition, from all State and local taxes and charges, including taxes and charges on their movable property.

3. The exemption provided for in paragraph 2 of this article shall not apply to:

- (a) Taxes and charges on personal immovable property situated in the receiving State;
- (b) Taxes and charges on the inheritance or acquisition of property in the receiving State, with the exception of taxes and charges in respect of which exemption applies under article 25 of this Convention;
- (c) Taxes and charges on private income derived from sources within the receiving State;
- (d) Taxes and charges on transactions or on instruments recording or relating to transactions, including State duties of any kind imposed or collected in connection therewith, with the exception of taxes and charges in respect of which exemption applies under article 21 of this Convention;
- (e) Charges levied for specific services rendered.

4. The provisions of paragraphs 1 and 2 of this article shall not apply to persons who are nationals or permanent residents of the receiving State.

Article 24. 1. The same exemption from customs duties as is accorded in respect of articles intended for the official use of a diplomatic mission shall be accorded in respect of all articles, including means of transport, intended for the official use of a consulate.

2. Consular officers and members of their families residing with them shall be exempt from customs inspection.

3. Consular officers and members of their families residing with them shall, provided that they are not nationals or permanent residents of the receiving State, be accorded the same exemption from customs duties as is accorded to members of the corresponding categories of staff of a diplomatic mission.

Consular employees and members of their families residing with them shall be accorded exemption from customs duties on articles imported by them during the first six months of their residence in the receiving State.

Article 25. In the event of the death of a consular officer, a consular employee or a member of his family residing with him, the receiving State shall permit the export of the movable property of the deceased free of customs duties and shall exempt such property from taxes and charges on the inheritance or acquisition of property, provided that the presence of the property in the receiving State was due solely to the presence in that State of the deceased in his capacity as a consular officer, consular employee or member of his family.

The provisions of this article shall not apply to property acquired in the receiving State whose export is restricted or prohibited.

Article 26. Subject to the laws and regulations of the receiving State concerning areas entry into which is prohibited or restricted for reasons of national security, consular officers and consular employees shall be permitted to travel freely within the limits of the consular district.

Article 27. 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 means of transport.

PART IV. CONSULAR FUNCTIONS

Article 28. A consular officer shall promote the development and strengthening of friendly relations between the sending State and the receiving State and shall facilitate economic, commercial, scientific and cultural relations between them.

Article 29. 1. A consular officer shall be entitled to perform the functions specified in this part and any other consular functions, provided that they are not contrary to the law of the receiving State and provided that its consent is given.

2. A consular officer shall be entitled to perform his functions within the limits of the consular district. Beyond those limits a consular officer may perform his functions only with the consent of the authorities of the receiving State.

3. In the performance of his functions, a consular officer shall be entitled to apply orally or in writing to the competent authorities of the consular district, including bodies representing national institutions.

Article 30. A consular officer shall be entitled to protect the rights and interests of the sending State and of its individuals and bodies corporate.

Article 31. 1. A consular officer shall perform the following functions:

- (a) Receive any declarations relative to nationality;
- (b) Keep a register of nationals of the sending State;
- (c) Issue, amend, renew and revoke passports, all forms of visas and other, similar documents;
- (d) Register or receive notification of or documents concerning the birth or death of a national of the sending State;
- (e) Register marriages and the dissolution of marriages in accordance with the law of the sending State, provided that both parties are nationals of the sending State;
- (f) Receive any declarations pertaining to the family relationships of a national of the sending State;
- (g) Levy consular charges in the territory of the receiving State, in accordance with the laws and regulations of the sending State;
- (h) Carry out the formalities for adoption, provided that the child to be adopted and the person adopting the child are nationals of the sending State.

2. A consular officer shall be entitled:

- (a) To receive, draw up and certify declarations of nationals of the sending State and to issue to them the relevant documents;
- (b) To draw up, attest and accept for safe keeping the wills of nationals of the sending State;
- (c) To draw up and certify instruments and agreements between nationals of the sending State, provided that such instruments and agreements are not contrary to the law of the receiving State and do not relate to the establishment or transfer

of rights to immovable property; to draw up and certify instruments and agreements between nationals of the sending State, on the one hand, and nationals of other States, on the other hand, to the extent that such instruments and agreements relate exclusively to property or rights in the sending State or concern business to be transacted in that State, and provided that such agreements and instruments are not contrary to the law of the receiving State;

- (d) To legalize documents issued by authorities or officials of the sending State or the receiving State and to certify copies and translations of such documents and extracts therefrom;
- (e) To translate documents and to certify the accuracy of the translation;
- (f) To certify the signatures of nationals of the sending State on documents of any kind;
- (g) To accept for safe keeping property and documents from or for nationals of the sending State, provided that such action is not contrary to the law of the receiving State;
- (h) To perform other notarial functions not mentioned in this article.

3. A consular officer shall, where local law so requires, notify the competent authorities of the receiving State of the registration at the consulate of changes in civil status in accordance with paragraph 1(d) and (e) of this article.

4. The provisions of paragraph 1(d) and (e) of this article shall not exempt the persons concerned from the obligation to comply with the formalities imposed by the law of the receiving State.

Article 32. Documents drawn up, certified or translated by a consular officer in accordance with paragraph 2 of article 31 shall be regarded in the receiving State as documents having the same legal significance and evidentiary value as if they had been drawn up, certified or translated by the competent authorities or institutions of the receiving State, provided that the law of the receiving State is not thereby contravened.

Article 33. 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 estate, heirs and legatees and concerning the will, if such exists.

2. The competent authorities of the receiving State shall notify a consular officer as soon as possible 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 of the receiving State learn of the opening of a succession in favour of a national of the sending State in the territory of a third State.

3. Where the consular officer is the first to learn of such a death or of the opening of a succession, he shall, in turn, notify the competent authorities of the receiving State.

Article 34. 1. Where a national of the sending State holds or claims a right to succession in the receiving State, the consular officer shall be entitled without regard to the nationality of the legator, to represent temporarily the interests of the said national, even if he is not vested with special powers of attorney, until such time as the consular officer is notified that the said national is defending his interests either

personally or through a legal representative. The consular officer may not dispose of the succession, and his actions must not be contrary to the law of the receiving State.

2. Where a national of the sending State not domiciled in the receiving State dies in that State, during a temporary stay, the consular officer is entitled to dispose of the money, documents, property and effects of the deceased.

Article 35. A consular officer may, on behalf of a national of the sending State, where such national is not present in the receiving State, receive from a court, authority or individual money or other property to which the said national is entitled as a consequence of the death of any person, including shares in a legacy, payments made in pursuance of industrial accident laws and sums payable for life insurance, provided that he is vested with official powers of attorney to do so.

Article 36. 1. A consular officer shall be entitled to propose to a court or other competent 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 such property is left without supervision.

2. If the court or competent authority considers that a person who has been proposed is for any reason unacceptable, the consular officer may propose a new candidate.

Article 37. 1. A consular officer shall be entitled to meet and communicate with any national of the sending State and to advise and render any kind of aid to such national, including arrangements for providing him with legal assistance.

The receiving State shall do nothing to restrict communication between a national of the sending State and the consulate or the access of such national to the consulate.

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

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 without delay.

The rights referred to in paragraph 3 of this article shall be exercised in accordance with the laws and regulations of the receiving State, with the *proviso*, however, that the said laws and regulations shall not invalidate these rights.

Article 38. 1. A consular officer shall be entitled to extend any kind of aid and assistance to a vessel of the sending State in the ports or the territorial or internal waters of the receiving State.

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

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 39. A consular officer shall be entitled to perform the following functions:

- (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 or when it is in a port of the receiving State, question the master and any member of the crew of such vessel, examine the vessel's papers, take statements with regard to its voyage and destination, and facilitate the vessel's entry into, departure from and stay in the port;
- (b) Without prejudice to the rights of the authorities of the receiving State and without infringing its law, to settle disputes of any kind between the master and any member of the crew, including disputes as to contracts of service and conditions of work, to the extent that this is permitted under the law of the sending State;
- (c) To make arrangements for the treatment in hospital and the repatriation of the master or any member of the crew;
- (d) To receive, draw up or authenticate any declaration or other document prescribed by the law of the sending State in vessels;
- (e) To issue a provisional certificate of the right to fly the flag of the sending State in respect of a newly acquired or newly built vessel.

Article 40. 1. Where the courts or other competent authorities of the receiving State intend to take any coercive measures or to institute any formal inquiry on board a vessel of the sending State, the competent authorities of the receiving State shall so notify a consular officer. Such notification shall be made before such action is initiated so as to enable the consular officer to be present at the proceedings. If the consular officer has not been present, he shall, upon request, be provided by the competent authorities 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 authorities of the receiving State to question the master or any member of the crew ashore.

3. The provisions of this article shall not, however, apply to any routine passport, customs or public-health inspection or to action taken at the request, or with the consent, of the master of the vessel.

Article 41. 1. Where a vessel of the sending State is wrecked, runs aground, is stranded or is otherwise damaged in the receiving State or where any article forming part of the cargo of a damaged vessel, being the property of a national of the sending 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 a consular officer of the occurrence. They shall also notify him of measures already taken for the preservation of lives, the vessel, its cargo and other property on board and of articles belonging to the vessel or forming part of its cargo which have become separated from the vessel.

2. A consular officer may extend all possible assistance to the damaged 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 as well as 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 of the sending State 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 are in a position to make arrangements for the custody or disposal of the vessel or article, the consular officer shall be authorized to make, on behalf of the owner of the vessel, such arrangements as the owner himself could have made for such purpose.

The provisions of paragraph 3 of this article shall apply, as appropriate, to any article forming part of the cargo of the vessel of the sending State and belonging to a national of that State.

4. Where any article forming part of the cargo of a damaged vessel of the receiving State or 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 authorized to make, on behalf of the owner, such arrangements as the owner himself could have made for such purposes.

Article 42. Articles 38 to 41 shall also apply, *mutatis mutandis*, to aircraft.

PART V. FINAL PROVISIONS

Article 43. 1. This Convention shall be ratified and shall enter into force on the thirtieth day after the exchange of the instruments of ratification, which shall take place in Moscow.

2. This Convention shall remain in force until the expiry of six months from the date on which one High Contracting Party gives notice in writing to the other of its intention to terminate it.

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

DONE at Damascus on 3 June 1976, in duplicate in the Russian and Arabic languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics:

[V. KUZNETSOV]

For the Government
of the Syrian Arab Republic:

[Y. SHAQRA]

PROTOCOL TO THE CONSULAR CONVENTION BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE SYRIAN ARAB REPUBLIC

At the time of signing the Consular Convention of today's date between the Government of the Union of Soviet Socialist Republics and the Government of the Syrian Arab Republic, hereinafter referred to as "the Convention", the Plenipotentiaries of the High Contracting Parties have agreed as follows:

1. The notification to a consular officer provided for in article 37, paragraph 2, of the Convention shall take place within three days from the time at which the national of the sending State is arrested or otherwise detained.

2. The right of the consular officer, as provided for in article 37, paragraph 3, of the Convention, to visit and communicate with a national of the sending State while such national is under arrest or otherwise detained shall be accorded within four days from the time of arrest or detention.

3. The right of the consular officer, as provided for in article 37, paragraph 3, of the Convention, to visit and communicate with a national of the sending State while such national is under arrest or otherwise detained or is serving a term of imprisonment shall be accorded on a continuing basis.

4. The expression "consular officer" in the Russian text of this Convention and the expression "consular authority" in the Arabic text shall have the same meaning.

The expression "consular employee" in the Russian text and the expression "consular official" in the Arabic text shall have the same meaning.

This Protocol shall form an integral part of the Convention.

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

DONE at Damascus on 3 June 1976, in duplicate in the Russian and Arabic languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics:

[V. KUZNETSOV]

For the Government
of the Syrian Arab Republic:

[Y. SHAQRA]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ AMENDING ARTICLE 16 OF THE CONSULAR CONVENTION OF 3 JUNE 1976² BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE SYRIAN ARAB REPUBLIC. DAMASCUS, 24 APRIL AND 18 MAY 1978

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ MODIFIANT L'ARTICLE 16 DE LA CONVENTION CONSULAIRE DU 3 JUIN 1976² ENTRE L'UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES ET LA RÉPUBLIQUE ARABE SYRIENNE. DAMAS, 24 AVRIL ET 18 MAI 1978

I

[RUSSIAN TEXT — TEXTE RUSSE]

No 47

Посольство Союза Советских Социалистических Республик свидетельствует свое уважение Министерству иностранных дел Сирийской Арабской Республики и имеет честь сообщить, что советская сторона согласна с предложением о внесении поправок в статью 16 Консульской конвенции между Правительством Союза Советских Социалистических Республик и Правительством Сирийской Арабской Республики, подписанной в Дамаске 3 июня 1976 г.

С учетом предлагаемых поправок статья 16 упомянутой конвенции читалась бы следующим образом:

«*Статья 16.* 1. Консульские должностные лица, сотрудники Консульства и члены их семей, проживающие вместе с ними, пользуются иммунитетом от юрисдикции государства пребывания, кроме гражданских исков:

- a) Относящихся к частному недвижимому имуществу, находящемуся на территории государства пребывания, если только они не владеют им от имени представляемого государства для консульских целей;
- б) Касающихся наследования, когда они выступают в качестве исполнителя завещания, попечителя над наследственным имуществом, наследника или отказ получателя как частные лица, а не от имени представляемого государства;
- в) Относящихся к профессиональной или коммерческой деятельности, осуществляемой ими в государстве пребывания за пределами своих официальных функций;
- г) Вытекающих из заключенного ими договора, по которому они прямо или косвенно не приняли на себя обязательства в качестве представителя представляемого государства;

¹ Came into force on 18 May 1978, the date of the note in reply, in accordance with the provisions of the said notes.

² See p. 296 of this volume.

¹ Entré en vigueur le 18 mai 1978, date de la note de réponse, conformément aux dispositions desdites notes.

² Voir p. 308 du présent volume.

д) Гражданской ответственности в результате автотранспортных происшествий.

2. Иммунитеты, предусмотренные в настоящей статье, не распространяются на лиц, являющихся гражданами государства пребывания или постоянно проживающих в нем».

Советская сторона имеет честь предложить, чтобы, в случае, если сирийская сторона согласна с вышесказанным, настоящая нота Посольства и ответ на нее рассматривалась бы как договоренность между советской и сирийской сторонами по данному вопросу.

Посольство пользуется случаем, чтобы возобновить Министерству уверения в своем высоком уважении.

г. Дамаск, 24 апреля 1978 г.

Министерство иностранных дел Сирийской
Арабской Республики

г. Дамаск

[TRANSLATION]

[TRADUCTION]

No. 47

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Ministry of Foreign Affairs of the Syrian Arab Republic and has the honour to inform it that the Soviet side agrees to the proposal that amendments should be made to article 16 of the Consular Convention between the Government of the Union of Soviet Socialist Republics and the Government of the Syrian Arab Republic, signed at Damascus on 3 June 1976.

With the proposed amendments, article 16 of the said Convention would read as follows:

Article 16. 1. Consular officers, members of the consulate and members of their families residing with them shall enjoy immunity from the jurisdiction of the receiving State except for civil suits:

(a) Relating to private immovable property situated in the territory of the receiving State, unless they hold the said property on behalf of the sending State for consular purposes;

N° 47

L'Ambassade de l'Union des Républiques socialistes soviétiques présente ses compliments au Ministère des affaires étrangères de la République arabe syrienne et tient à lui faire savoir que la partie soviétique souscrit à la proposition tendant à modifier l'article 16 de la Convention consulaire entre le Gouvernement de l'Union des Républiques socialistes soviétiques et le Gouvernement de la République arabe syrienne, qui a été signée à Damas le 3 juin 1976.

Après modification, le texte de l'article 16 de la Convention susmentionnée serait libellé comme suit :

Article 16. 1) Les fonctionnaires consulaires, les employés consulaires et les membres de leur famille vivant à leur foyer jouissent de l'immunité de juridiction de l'Etat de résidence, sauf en ce qui concerne les actions civiles :

a) Concernant les biens privés immeubles situés sur le territoire de l'Etat de résidence, lorsqu'ils ne sont pas propriétaires de ces biens comme mandataires de l'Etat d'envoi à des fins consulaires;

- (b) Relating to succession, when they are involved as executor, administrator, heir or legatee as private persons and not on behalf of the sending State;
- (c) Relating to any professional or commercial activity exercised by them in the receiving State outside their official functions;
- (d) Arising out of a contract concluded by them in which they did not contract expressly or impliedly as representatives of the sending State;
- (e) Relating to civil liability as a result of motor-vehicle accidents.

2. The immunities provided for in this article shall not extend to persons who are citizens or permanent residents of the receiving State.

The Soviet side has the honour to propose that if the Syrian side agrees to the foregoing, this note of the Embassy and the reply to it shall be regarded as an agreement between the Soviet and Syrian sides on the subject.

The Embassy takes this opportunity, etc.

Damascus, 24 April 1978

Ministry of Foreign Affairs
of the Syrian Arab Republic
Damascus

- b) Concernant une succession, lorsqu'ils interviennent dans l'action civile à titre privé et non pas comme mandataires de l'Etat d'envoi, en qualité d'exécuteur testamentaire, de curateur d'un bien successoral, d'héritier ou de légataire;
- c) Concernant des activités professionnelles ou commerciales qu'ils effectuent dans l'Etat de résidence et qui n'entrent pas dans le cadre de leurs fonctions officielles;
- d) Résultant d'un contrat conclu par eux où ils n'ont pas pris, expressément ou implicitement, d'obligations en qualité de représentants de l'Etat d'envoi;
- e) De la partie tierce pour les dommages causés dans l'Etat de résidence par un accident produit par un véhicule.

2) Les immunités prévues par le présent article ne s'étendent pas aux ressortissants et aux résidents permanents de l'Etat de résidence.

La partie soviétique a l'honneur de proposer que si la partie syrienne convient de ce qui précède, la présente note de l'Ambassade et la réponse à cette note constituent un accord sur cette question entre la partie soviétique et la partie syrienne.

L'Ambassade saisit cette occasion, etc.

Damas, le 24 avril 1978

Ministère des affaires étrangères
de la République arabe syrienne
Damas

[TRANSLATION]

SYRIAN ARAB REPUBLIC
MINISTRY OF FOREIGN AFFAIRS
DAMASCUS

18 May 1978

The Ministry of Foreign Affairs of the Syrian Arab Republic presents its compliments to the Embassy of the Union of Soviet Socialist Republics at Damascus and has the honour to inform it that the Syrian party is in agreement with the proposed amendments to article 16 of the Consular Convention between the Government of the Syrian Arab Republic and the Government of the Union of Soviet Socialist Republics signed at Damascus on 3 June 1976.

Accordingly, and in conformity with the proposed amendments, the text of article 16 of the said Convention will become as follows:

[*See note I*]

The Syrian party has the honour to consider the present communication and the Soviet Embassy's communication No. 47 of 24 April 1978 as constituting an agreement between the two parties in this matter.

The Ministry of Foreign Affairs takes this opportunity, etc.

[TRADUCTION]

RÉPUBLIQUE ARABE SYRIENNE
MINISTÈRE DES AFFAIRES ÉTRANGÈRES
DAMAS

Le 18 mai 1978

Le Ministère des affaires étrangères de la République arabe syrienne présente ses compliments à l'Ambassade de l'Union des Républiques socialistes soviétiques à Damas, et a l'honneur de lui faire savoir que la partie syrienne accepte les amendements proposés à l'article 16 de la Convention consulaire entre le Gouvernement de la République arabe syrienne et le Gouvernement de l'Union des Républiques socialistes soviétiques, qui a été signée à Damas le 3 juin 1976.

Après modification, le texte de l'article 16 de la Convention susmentionnée est libellé comme suit :

[*Voir note I*]

La partie syrienne a l'honneur de considérer la présente note et la note n° 47 de l'Ambassade soviétique datée du 24 avril 1978 comme constituant un accord sur cette question entre les deux parties.

Le Ministère des affaires étrangères saisit cette occasion, etc.
