

No. 18206

**UNION OF SOVIET SOCIALIST REPUBLICS
and
MEXICO**

Consular Convention. Signed at Moscow on 18 May 1978

Authentic texts: Russian and Spanish.

Registered by the Union of Soviet Socialist Republics on 28 December 1979.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
MEXIQUE**

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Textes authentiques : russe et espagnol.

Enregistrée par l'Union des Républiques socialistes soviétiques le 28 décembre 1979.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED MEXICAN STATES

The Government of the Union of Soviet Socialist Republics and the Government of the United Mexican States,

Desirous of strengthening the friendly relations existing between their two countries and regulating their consular relations with a view to facilitating the protection of the interests of their two States and of their citizens,

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

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

The Government of the United Mexican States: Santiago Roel García, Minister for Foreign Affairs of the United Mexican States,

who have agreed as follows:

SECTION I. DEFINITIONS

Article 1. In this Convention the terms mentioned hereunder shall have the following meaning:

(a) The term “consular post” means a consulate-general, consulate, vice-consulate or consular agency;

(b) The term “consular district” means the territory within which a consular establishment performs its consular functions;

(c) The term “head of consular post” means the consular officer who is in charge of a consular post;

(d) The term “consular officer” means any person, including a head of consular post, entrusted with the performance of consular functions. The term shall also include persons attached to the consular post for training in the consular service;

(e) The term “employee of a consular post” means a person performing administrative, technical, or service functions in a consular post;

(f) The term “ship” of the sending State means any ship flying the flag of that State, except for ships of war.

SECTION II. OPENING OF CONSULAR ESTABLISHMENT AND APPOINTMENT OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES

Article 2. 1. A consular post may be opened in the territory of the receiving State only with that State’s consent.

¹ Came into force on 9 August 1979, i.e., on the thirtieth day after the exchange of the instruments of ratification, which took place at Mexico City on 10 July 1979, in accordance with article 38(1).

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

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

2. On receipt of the consent referred to in the previous paragraph, the diplomatic mission of the sending State shall send to the Ministry of Foreign Affairs of the receiving State the commission of appointment or other similar document testifying to the appointment of the head of a consular post, which shall mention the full name of the head of the consular post, his citizenship and rank, the consular district and the seat of the consular post.

3. The head of the consular post may begin to perform his duties after the receiving State has issued an exequatur to him.

4. Pending the issue of the exequatur, the head of the consular post may be admitted on a provisional basis to the exercise of his functions. In that case the provisions of this Convention shall apply.

Article 4. 1. The sending State shall inform the receiving State in advance of the full name, rank and position of all consular officers, other than the head of a consular post, and the full name and position of all employees of consular post.

2. Notice of the arrival and final departure of any of the persons referred to in this article shall be given in accordance with the existing regulations of the receiving State.

Article 5. Only citizens of the sending State may be appointed consular officers.

Article 6. The receiving State shall take all necessary measures to enable consular officers to perform their functions and to enjoy the rights, privileges and immunities provided for by this Convention and the legislation of the receiving State.

Article 7. 1. If the head of the consular post is unable to perform his functions or the position of head of consular post is temporarily vacant, the sending State may empower a consular officer of the given consular post or of another consular post in the receiving State or one of the members of the diplomatic staff of its diplomatic mission in the receiving State to perform on a provisional basis the functions of head of the consular post. The full name of such person shall be communicated in advance to the Ministry of Foreign Affairs of the receiving State.

2. Any person empowered to perform on a provisional basis the duties of head of a consular post shall enjoy the same rights, privileges and immunities as apply to heads of consular posts appointed in accordance with article 3 of this Convention.

3. When a member of the diplomatic staff of the diplomatic mission of the sending State is appointed on a provisional basis to the position of head of consular post in accordance with paragraph 1 of this article, he shall continue to enjoy diplomatic privileges and immunities.

Article 8. 1. The provisions of this Convention shall also apply to the performance of consular functions by members of the diplomatic staff of the

diplomatic mission of the sending State, which shall communicate to the Ministry of Foreign Affairs of the receiving State the full names of the members of its diplomatic staff who are empowered to perform consular functions.

2. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 1 of this article shall be governed by the relevant provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961.¹

Article 9. The receiving State may notify the sending State, without having to explain its decision, that a consular officer or employee of a consular post is unacceptable. The sending State shall thereupon recall the person concerned. If the sending State refuses to fulfil or does not within a reasonable period of time fulfil its obligations under the provisions of this article, the sending State may refuse to recognize the person concerned as a consular officer or employee of a consular post.

Article 10. The receiving State, in accordance with its laws and regulations, shall assist the sending State to acquire in its territory buildings or parts of buildings for its consular post and residential accommodation for its consular officers and for its employees of consular posts, provided that the latter persons are citizens of the sending State.

SECTION III. PRIVILEGES AND IMMUNITIES

Article 11. 1. The national coat of arms of the sending State and the name-plate of the consular post, in the language of that State and in the language of the receiving State, may be displayed on the building where the consular post is located and on or near the door of the consular post.

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

3. The head of the consular post may also display the flag on his means of transportation, when used on official business.

Article 12. 1. The buildings or parts of buildings exclusively used for the purposes of the consular post as well as the plots of land attached thereto shall be inviolable.

2. The authorities of the receiving State may not enter the buildings, parts of buildings and plots of land referred to in the previous paragraph without the permission of the head of the consular post or the chief of the diplomatic mission of the sending State, or of a person empowered by one of them to grant such permission.

3. The provisions of paragraphs 1 and 2 of this article shall also apply to the residence of the head of the consular post.

Article 13. 1. Consular archives and documents shall be inviolable at all times and in all places.

2. Non-official documents must not be held together with consular archives.

Article 14. 1. The consular post shall have the right to use all normal means of communication, diplomatic and consular couriers, cipher and code, in order to communicate with its Government and with the diplomatic mission and

¹ United Nations, *Treaty Series*, vol. 500, p. 95.

other consular posts of the sending State in the receiving State. For the use of normal means of communication, the consular post shall be charged the same rates as those which apply to a diplomatic mission.

2. A consular post may establish or use a radio transmitter only with the consent of the receiving State.

3. The official correspondence of a consular post, irrespective of the means of communication used, and sealed bags having external visible marks indicating their official character, shall be inviolable and shall not be opened or detained by the authorities of the receiving State.

4. The consular bag may contain only official correspondence and documents or articles intended exclusively for official use.

5. The receiving State shall provide the same protection for consular couriers as for diplomatic couriers. They shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

Article 15. 1. Consular officers and employees of a consular post who are citizens of the sending State shall enjoy immunity from the criminal jurisdiction of the receiving State.

2. Consular officers and employees of a consular post who are citizens of the sending State shall not be amenable to the jurisdiction of the receiving State in matters relating to their official functions.

3. The members of the family of a consular officer or employee of a consular post living with him who are not citizens of the receiving State shall enjoy the immunity provided for in this article.

4. The sending State may waive the immunity from criminal jurisdiction of consular officers or employees of a consular post and members of their families. The waiver must always be express.

Article 16. 1. Consular officers and employees of consular posts may be called upon to attend as witnesses in the course of judicial or administrative proceedings. However, no coercive measure or penalty may be applied to consular officers or consular employees who are citizens of the sending State if they decline to attend as witnesses.

2. The authorities of the receiving State requiring the evidence shall take steps to avoid interference in the work of the consular post. They may, where possible, take the evidence of a consular officer or employee of a consular post at his residence or at the consular post or accept a statement from him in writing.

3. Consular officers and employees of a consular post shall be under no obligation to give evidence concerning matters connected with the performance of their functions. They shall also be entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

4. The provisions of paragraphs 1 and 3 of this article shall apply equally to the members of the families of consular officers and employees of consular posts living with them who are not citizens of the receiving State.

Article 17. 1. Consular officers are absolved from military service and from any other form of obligatory service in the receiving State.

2. The provisions of paragraph 1 of this article shall also apply to employees of a consular post who are not citizens of the receiving State and to members of

the families of consular officers and employees of consular posts living with them who are not citizens of the receiving State.

Article 18. Consular officers and employees of consular posts and members of their families living with them are absolved from requirements under the laws and regulations of the receiving State in regard to alien registration, residence permits and other similar requirements.

Article 19. 1. The receiving State shall exempt the sending State from all forms of taxes and dues on buildings or parts of buildings intended exclusively for consular use, including the living quarters of consular officers and employees of a consular post.

2. The provisions of paragraph 1 of this article shall not apply to the dues and taxes payable under the law of the receiving State by a person who has concluded a contract with the sending State or by a person acting on his behalf.

This exemption shall not apply to payment for specific services rendered.

Article 20. Consular officers and employees of a consular post who are not citizens of the receiving State shall be exempt in the receiving State from any form of taxes or dues on their pay, salary or other remuneration for the official duties performed by them.

Article 21. 1. Subject to the provisions of paragraph 2 of this article, consular officers and employees of consular posts who are not citizens of the receiving State shall be exempt from all forms of taxes and dues.

2. The provisions of paragraph 1 of this article shall not apply to:

- (a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) Taxes and dues on private immovable property situated in the territory of the receiving State;
- (c) Taxes and dues on income not referred to in article 20 which is received in the receiving State;
- (d) Charges levied for specific services rendered;
- (e) Registration or court fees, mortgage dues and stamp duties;
- (f) Inheritance duties and duties on transfer of property levied by the receiving State in the event of death, subject to the provisions of the following paragraph.

3. In the event of death of a consular officer or an employee of a consular post or of a member of his family who was living with him and remains in the receiving State after his death, no tax or other similar charge of any kind shall be imposed or collected by the receiving State in respect of movable property, provided that the deceased was not a citizen of the receiving State and the presence of the property in that State was due solely to the presence there of the deceased in his capacity as a consular officer or employee of a consular post or as a member of the family of such an officer or employee.

Article 22. 1. All articles imported solely for the official use of a consular post shall be exempt from customs duties, taxes and related charges to the same extent as such exemption applies to articles imported for official use of the diplomatic mission of the sending State.

2. Consular officers and members of their families shall be accorded the same exemption from customs inspection of their personal baggage and payment of customs dues and other taxes on articles imported for their personal use as is accorded to the personnel of the diplomatic mission of the sending State.

3. Articles imported by employees of a consular post and members of their families arriving for the first time in the receiving State shall be accorded the same exemption from customs and other dues as is accorded to the administrative and technical personnel of the diplomatic mission of the sending State.

4. Paragraphs 1, 2 and 3 shall not apply to the payment of deposits or to payment for the storage and cartage of imported articles.

5. The import of motor vehicles shall be governed by the laws and regulations of the receiving State applicable to consular officers.

Article 23. Without prejudice to their privileges and immunities, it is the duty of all persons to whom this Convention accords such privileges and immunities to respect the laws and regulations of the receiving State, including the provisions governing traffic and third-party insurance in respect of civil liability for damage resulting from the operation of means of transport.

Article 24. The privileges and immunities provided for in this Convention, except for article 16, paragraph 3, shall not apply to employees of a consular post or to members of the families of consular officers and employees of a consular post if they are nationals of the receiving State or have permanent residence there.

SECTION IV. CONSULAR FUNCTIONS

Article 25. 1. Consular officers shall have the right to perform the functions indicated in this section within the limits of the consular district. Consular officers may in addition perform other official consular functions, provided that they are consistent with the laws and regulations of the receiving State.

2. In the performance of their functions consular officers may communicate in writing or orally with the competent authorities of their consular district.

Article 26. Within the limits of his consular district a consular officer shall have the right:

- (a) To defend, in accordance with the provisions of this Convention, the interests of the sending State and its citizens (physical and juridical persons) to the extent permitted by international law;
- (b) To promote the development of trade, economic, cultural and scientific relations between the sending State and the receiving State and to promote the development of friendly relations between them.

Article 27. 1. Within the limits of his consular district a consular officer shall have the right:

- (a) To receive any applications required by the laws of the sending State on questions concerning citizenship and to maintain a register of the citizens of the sending State;

- (b) To issue passports and travel documents to citizens of the sending State, to renew them and make changes in them, and to issue visas and other similar documents;
- (c) To register and receive communications about births and deaths of citizens of the sending State which take place in the receiving State;
- (d) To maintain a register of marriages and divorces concluded in accordance with the laws of the receiving State, if at least one of the persons concerned in the marriage or divorce is a citizen of the sending State;
- (e) To receive applications concerning family relations of the citizens of the sending State when this is required by the laws of the sending State, provided that such applications are not contrary to the laws of the receiving State.

2. The provisions of subparagraphs (c), (d) and (e)¹ of paragraph 1 of this article shall not exempt the persons concerned from the requirements of the laws of the receiving State.

3. Within the limits of his consular district, a consular officer shall also have the right to execute notarial deeds and to authenticate, certify, and attest signatures, documents or translations of documents in all cases in which such services are requested by citizens of the sending State, when the document is intended for use outside the receiving State, or by a person of any nationality when the document is intended for use in the sending State or in accordance with the laws of that State.

4. The provisions of paragraph 3 shall in no case be applied to legal documents establishing, transferring or revoking an entitlement to immovable property in the receiving State.

5. A consular post may receive in the receiving State consular fees in accordance with the laws and regulations of the sending State, and the amounts so received shall be exempt from all taxes of the receiving State.

Article 28. The authorities of the receiving State shall recognize the validity of the deeds and documents referred to in article 27, paragraph 3, if they were drawn up or attested by a consular officer and bearing the official seal, as well as of transcriptions and translations from such deeds and documents duly attested and bearing the official seal, provided that this is consistent with the laws and regulations of the receiving State.

Article 29. If the competent authorities of the receiving State have information about the death of a citizen of the sending State they shall communicate this information to the consular post concerned.

Article 30. 1. The competent authorities of the receiving State shall inform the consular post about the opening of any succession in that State where the heir is a citizen of the sending State who is not resident in the receiving State and has no representative there.

2. A consular officer may request the competent authorities of the receiving State to take the necessary action, in accordance with the laws of the receiving State, to maintain and manage property left in the receiving State to a citizen of the sending State and to inform the consular officer of any such measures which they have already taken.

¹ This subparagraph is mentioned only in the Spanish authentic text.

3. A consular officer may, directly or through his representative, furnish assistance in carrying out the measures provided for in paragraph 2.

4. If, on completion of the formalities associated with succession in the receiving State, any movable property or the proceeds of the sale of inherited movable or immovable property are to be transferred to an heir who is a citizen of the sending State and who is not living in the receiving State and has not appointed a representative, such property or the proceeds of its sale shall be transferred to the consular establishment of the sending State provided that:

- (a) Payment has been made or guaranteed with respect to any debts with which the inheritance is encumbered if they have been declared within the time-limit established by the laws of the receiving State;
- (b) Payment has been made or guaranteed with respect to any inheritance taxes.

5. If a citizen of the sending State dies while travelling in the receiving State, his personal effects, money and valuables shall be handed over to the consular post without formality, provided that he did not have a residence in the receiving State and has no representative there.

6. The export of the property referred to in paragraphs 4 and 5 of this article or the transfer abroad of the proceeds of its sale shall be carried out in accordance with the laws of the receiving State.

Article 31. 1. A consular officer may propose to a court or other competent authority the names of appropriate persons for appointment as guardians or trustees in respect of a citizen of the sending State or his property, if such appointment is required by the laws of the receiving State.

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

Article 32. 1. A consular officer shall have the right within the limits of his consular district to interview and communicate with any citizen of the sending State and to give him advice and every assistance, including, if necessary, the provision of legal aid.

2. The receiving State shall not limit in any way communication by a citizen of the sending State with the consular post or his access thereto.

3. Where a citizen of the sending State is arrested or otherwise detained, the competent authorities of the receiving State shall notify the appropriate consular post of the sending State immediately.

4. A consular officer shall have the right to visit and communicate with a citizen of the sending State who has been arrested, detained or imprisoned by sentence of a court.

5. The rights referred to in paragraph 4 shall be exercised in accordance with the laws and regulations of the receiving State.

Article 33. 1. A consular officer shall have the right to render all help and assistance to a ship of the sending State standing in port or at any other place of anchorage within the limits of his consular district.

2. A consular officer may board a ship as soon as the ship is allowed to establish free contact with the shore, and the captain of the ship and the members of the crew may communicate with the consular officer.

3. A consular officer may approach the proper authorities of the receiving State for help in matters concerning the performance of his functions with respect to ships of the sending State and to the captain and members of the crew of any such ship.

Article 34. Within the limits of his consular district a consular officer may:

- (a) Without prejudice to the rights of the authorities of the receiving State, investigate any incident taking place during the course of voyage of a ship of the sending State, question the captain and any member of the crew of such a ship, verify the documents of the ship, take statements concerning the voyage of the ship and its destination, and also assist the entry and exit of the ship into and from port and its lying at anchor in the port;
- (b) Take any necessary action to recruit or dismiss a captain or any member of a crew, provided that this is consistent with the laws of the receiving State;
- (c) Without prejudice to the rights of the authorities of the receiving State, resolve disputes between the captain and members of the crew, including disputes concerning wages and contracts of service, provided that such action is consistent with the laws of the sending State;
- (d) Take any measures for the hospitalization or repatriation of the captain or any member of the crew of the ship;
- (e) Receive, draw up or attest any declaration or other document concerning ships provided for by the laws of the sending State.

Article 35. 1. Where the courts or other competent authorities of the receiving State intend to take any coercive measures or conduct any official investigation on board a vessel of the sending State, they shall so notify the appropriate consular officer. Except in cases where this is not possible because of the urgency of the matter, such notification shall be given in good time so as to enable the consular officer to be present when these measures are taken. If the consular officer is not present, the authorities of the receiving State shall provide him, at his request, with a full report of what took place.

2. The provisions of paragraph 1 of this article shall also apply where the captain or a member of the crew of a vessel are to be questioned ashore by the authorities of the receiving State.

3. The provisions of this article shall not apply, however, to normal customs, health or passport inspections carried out by the authorities of the receiving State.

Article 36. 1. If a ship of the sending State suffers shipwreck, runs aground, is swept ashore, or suffers any other accident in the waters of the receiving State, or if any articles belonging to a citizen of the sending State being a part of the cargo of a ship of a third State which has met with an accident are found on or near the shore of the receiving State or are conveyed to its port, the competent authorities of the receiving State shall, as soon as possible, inform a consular officer. They shall also inform him about the measures which have been taken for rescuing persons and preserving the ship, the cargo and other property on board the ship, and articles forming part of the ship or its cargo which have been separated from the ship.

2. The consular officer may render all assistance to such a ship, its passengers and crew. For this purpose, he may seek the co-operation of the authorities of the receiving State.

3. If the owner of a ship, his agents or insurers, or the captain of a ship which has suffered an accident is not in a position to take appropriate steps to repair the ship, the consular officer shall be regarded as empowered to take on behalf of the owner of the ship the same steps as the owner himself may take with respect to the ship and its cargo, provided that such steps are consistent with the laws of the receiving State.

4. The provisions of paragraph 3 shall apply also to any article which is part of the cargo of a ship and belongs to a citizen of the sending State.

5. No customs duties or charges shall be levied in the receiving State against a ship-wrecked vessel, its cargo, equipment and stores, or articles and property saved at sea, provided that they are not imported for commercial purposes and are not intended for any other use or consumption in the receiving State.

The competent authorities of the receiving State may, in accordance with the laws and regulations of that State, require the surrender of such articles into safekeeping or the payment of a deposit in order to protect the taxation interests of the receiving State.

6. If any article which is part of the cargo of a ship of a third State which has met with an accident is the property of a citizen of the sending State and is found on shore or near the shore of the receiving State or is carried into the port of that State, and neither the owner of the article, his agents or insurers, nor the captain of the ship which has met with an accident is in a position to take the necessary steps for its safe custody or disposal, the consular officer shall be regarded as empowered to take on behalf of the owner of the ship the same steps as the owner himself may take for these purposes.

Article 37. Articles 33 to 36 shall apply *mutatis mutandis* also to civil aircraft.

SECTION V. FINAL PROVISIONS

Article 38. 1. This Convention shall be subject to ratification and shall enter into force on the thirtieth day after the exchange of instruments of ratification, which shall take place in Mexico City as soon as possible.

2. This Convention shall remain in force for a period of five years. Unless one of the two High Contracting Parties notifies the other High Contracting Party 12 months before the expiry of that five-year period of its intention to terminate the Convention, the Convention shall remain in force until the expiry of 12 months from the day on which one of the High Contracting Parties notifies the other High Contracting Party of its intention to terminate the Convention.

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

DONE at Moscow on 18 May 1978, in duplicate in the Russian and Spanish languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics:

[ANDREI ANDREEVICH GROMYKO]

For the Government
of the United Mexican States:

[SANTIAGO ROEL GARCÍA]