

**No. 21144**

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**MEXICO  
and  
GERMAN DEMOCRATIC REPUBLIC**

**Consular Convention. Signed at Mexico City on 30 May 1977**

*Authentic texts: Spanish and German.*

*Registered by Mexico on 9 July 1982.*

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**MEXIQUE  
et  
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Convention consulaire. Signée à Mexico le 30 mai 1977**

*Textes authentiques : espagnol et allemand.*

*Enregistrée par le Mexique le 9 juillet 1982.*

[TRANSLATION — TRADUCTION]

## CONSULAR CONVENTION<sup>1</sup> BETWEEN THE UNITED MEXICAN STATES AND THE GERMAN DEMOCRATIC REPUBLIC

The United Mexican States and the German Democratic Republic,

Desiring to strengthen the friendly relations existing between their two countries and to regulate their consular relations with a view to facilitating the protection of the interests of the two States and of their citizens,

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

The President of the United Mexican States: Mr. Alfonso de Rosenzweig-Díaz, Jr., Acting Under-Secretary for Foreign Affairs;

The Council of State of the German Democratic Republic: Mr. Gerhard Korth, Ambassador Extraordinary and Plenipotentiary,

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

### PART I. DEFINITIONS

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

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

(b) “Consular district” means the area assigned to a consular post for the exercise of its consular functions;

(c) “Head of consular post” means the officer in charge of the consular post;

(d) “Consular officer” means any person, including the head of a consular post, entrusted with the exercise of consular functions;

(e) “Consular employee” means any person exercising administrative, technical or service functions in a consular post;

(f) “Members of the consular post” means consular officers and employees;

(g) “Consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

(h) “Consular archives” means all papers, documents, correspondence, books, films, recording cassettes and tapes, and registers at the consular office, together with the ciphers and codes, card-indexes and furniture intended for their protection and safekeeping;

(i) “Vessel” of the sending State means any vessel flying the flag of that State, except for warships;

(j) “Aircraft” of the sending State means any civil aircraft which is duly registered in that State.

<sup>1</sup> Came into force on 27 April 1978, i.e., 30 days after the date of the exchange of the instruments of ratification, which took place at Berlin on 28 March 1978, in accordance with article 40 (2).

*Article 2.* Wheresoever in this Convention reference is made to the nationality of persons, it shall be understood that:

- (a) Mexicans means persons who have Mexican nationality in accordance with the laws of the United Mexican States;
- (b) Nationals of the German Democratic Republic means persons who have such nationality in accordance with the laws of the German Democratic Republic.

*Article 3.* Bodies corporate established as such in accordance with the laws of the sending State shall be recognized as such by the receiving State.

## PART II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF CONSULAR OFFICERS

*Article 4.* 1. A consular post may be established in the territory of the receiving State only with that State's consent.

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

*Article 5.* 1. Before appointing the head of a consular post, the sending State shall request through the diplomatic channel the consent of the receiving State to such appointment.

2. On receipt of the consent referred to in the previous paragraph, the sending State shall send to the receiving State, through the diplomatic channel, the commission of appointment or other similar document testifying to the appointment of the head of the consular post and specifying his full name and rank, the consular district and the seat of the consular post.

3. The head of the consular post may begin to exercise his functions 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 exercise his functions.

*Article 6.* 1. The sending State shall inform the receiving State in advance of the full name and rank of all consular officers, other than the heads of consular posts, and the full name and position of all consular employees.

2. The sending State shall also report in good time the final departure of any member of a consular post.

*Article 7.* The receiving State shall also be notified by the sending State of the arrival and final departure of persons belonging to the family of members of a consular post.

*Article 8.* Only nationals of the sending State who are not permanent residents of the receiving State may be consular officers.

*Article 9.* 1. If, for whatever reason, the head of a consular post is unable to exercise his functions or if the position of head of a consular post is temporarily vacant, the sending State may authorize a consular officer of the same 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 exercise 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 receiving State through the diplomatic channel.

2. Any person authorized to exercise on a provisional basis the functions of head of the consular post shall enjoy the same rights, privileges and immunities as apply to heads of consular posts appointed in accordance with article 5.

3. Where 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 10.* 1. The provisions of this Convention shall also apply, to the appropriate extent, to the exercise of consular functions by members of the diplomatic staff of the diplomatic mission of the sending State which shall communicate to the receiving State, through the diplomatic channel, the full names of the members of its diplomatic staff who are authorized to exercise consular functions.

2. The members of the diplomatic mission appointed to exercise consular functions in accordance with paragraph 1 of this article shall continue to enjoy diplomatic privileges and immunities.

*Article 11.* The receiving State may notify the sending State, without having to explain its decision, that a consular officer is *persona non grata* or an employee of a consular post is unacceptable. The sending State shall thereupon recall the person concerned. If the sending State refuses to fulfill its obligations under the provisions of this article or does not do so within a reasonable period, the sending State may refuse to recognize the person concerned as a consular officer or employee of the consular post.

*Article 12.* The receiving State shall take the necessary measures to enable consular officers to exercise their functions and to enjoy the rights, privileges and immunities provided for by this Convention and by the laws of the receiving State.

*Article 13.* The receiving State, in accordance with its laws and regulations, shall help the sending State to acquire in its territory the premises necessary for the consular posts and for housing the consular officers and employees of the consular posts, provided that the last-mentioned persons are nationals of the sending State.

### PART III. PRIVILEGES AND IMMUNITIES

*Article 14.* 1. The national coat of arms of the sending State and the name-plate of a 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 situated and on or near the entrance 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 national flag on his means of transport when they are used on official business.

*Article 15.* 1. Consular premises shall be inviolable.

2. The receiving State shall ensure protection of consular premises.

3. The authorities of the receiving State may not enter the premises referred to in the previous paragraph without the consent of the head of the consular post, or of the head of the diplomatic mission of the sending State, or of a person authorized by one of them.

4. The provisions of the three foregoing paragraphs shall also apply to the residence of the head of the consular post.

*Article 16.* 1. Consular archives and documents shall be inviolable wherever they may be.

2. Non-official documents must not be kept in the consular archives.

*Article 17.* 1. A consular post shall have the right to use all normal means of communication, including diplomatic and consular couriers, the diplomatic or consular bag, and messages in cipher and code, in order to communicate with its Government and with the diplomatic missions and other consular posts of the sending State wherever they

may be. A consular post shall be charged the same rates as apply to the diplomatic mission.

2. A consular post may establish and 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 visible external 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 shall contain only official correspondence and documents or articles intended exclusively for official use.

5. A consular courier who is provided with an official document indicating his status and the number of packages constituting the consular bag shall be granted by the receiving State the same rights, privileges and immunities as are accorded to a diplomatic courier of the sending State. The same shall apply to an *ad hoc* consular courier, whose rights, privileges and immunities as a courier shall nevertheless cease once he has delivered the consular bag to its destination.

*Article 18.* 1. The members of a consular post, provided that they are nationals of the sending State, shall enjoy immunity from the criminal jurisdiction of the receiving State.

2. Members of a consular post, provided that they are nationals of the sending State, shall enjoy immunity from the civil and administrative jurisdiction of the receiving State in matters relating to their official functions.

3. The members of the family of a member of a consular post who form part of his household and are not nationals of the receiving State shall enjoy the immunities provided for in this article.

4. The sending State may waive the immunity from criminal jurisdiction of a member of a consular post, or of members of his family. The waiver must always be express.

*Article 19.* 1. Members of a consular post 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 a member of a consular post who is a national of the sending State if he declines to give evidence.

2. The authority requiring the evidence shall take steps to avoid disrupting the work of the consular post. It may take the evidence of the member of the consular post at his residence or at the consular post, or accept a statement from him in writing, whenever possible.

3. Members of a consular post shall be under no obligation to give evidence concerning matters connected with the exercises of their functions. They shall also be entitled to decline to give evidence as expert witnesses with regard to the laws of the sending State.

The provisions of paragraphs 1 and 3 of this article shall apply equally to persons belonging to the families of members of a consular post who form part of their households and are not nationals of the receiving State.

*Article 20.* 1. Consular officers shall be exempt from military service and from any other service that is compulsory in the receiving State.

2. The provisions of paragraph 1 of this article shall also apply to consular employees who are not citizens of the receiving State and to persons belonging to the families of members of a consular post who form part of their households and are not citizens of the receiving State.

*Article 21.* Members of a consular post and members of their families forming part of their households shall be absolved from the requirements under the laws and regulations of the receiving State pertaining to alien registration and residence permits.

*Article 22.* 1. The receiving State shall exempt the sending State from all forms of taxes and charges on the rental of consular premises and on the living quarters of members of a consular post when these quarters have been rented by the sending State.

2. Paragraph 1 of this article shall not apply to taxes and charges 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 private services rendered.

*Article 23.* Members of a consular post who are not nationals of the receiving State shall be exempt in the receiving State from any form of taxes or charges on their wages, salary or other remuneration for the official functions exercised by them.

*Article 24.* 1. Subject to the provisions of paragraph 2 of this article, members of a consular post who are not nationals of the receiving State shall be exempt from all forms of taxes and charges.

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

- (a) Indirect taxes normally included in the price of goods or services;
- (b) Taxes and charges on private immovable property situated in the territory of the receiving State;
- (c) Taxes and charges on income not specified in article 23 which originates in the receiving State;
- (d) Charges levied for private services rendered, including registration, court or record fees, mortgage dues, and fees for notarial services rendered by State authorities;
- (e) Stamp duty;
- (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 member 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 national 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 member of the consular post or as a person belonging to the family of such a member of the consular post.

*Article 25.* 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 duties and other charges on other articles imported for their personal use as is accorded to the staff members of the diplomatic mission of the sending State.

3. Articles imported by employees of a consular post and members of their families who are arriving for the first time in the receiving State shall be accorded the same exemption from customs and other charges 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 charges for the deposit, 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 26.* Without prejudice to their privileges and immunities, it is the duty of all persons to whom this Convention accords 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 or damage resulting from the operation of means of transport.

*Article 27.* 1. Employees of a consular post who are permanent residents of the receiving State shall not enjoy the privileges and immunities established in this Convention but shall be under no obligation to give evidence concerning matters connected with their consular activities.

2. Paragraph 1 of this article shall also apply to persons belonging to the family of a member of a consular post who are permanent residents of the receiving State.

#### PART IV. CONSULAR FUNCTIONS

*Article 28.* 1. Consular officers shall have the right to exercise the functions indicated in this section within the limits of their consular district. Consular officers may, in addition, exercise other official functions, provided that this is not contrary to the laws and regulations of the receiving State.

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

3. For the exercise of consular functions outside the consular district, the prior consent of the receiving State shall be required in each case.

*Article 29.* A consular officer shall have the right:

- (a) To defend the interests of the sending State and of its nationals, both individuals and bodies corporate, 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 further the development of friendly relations between them.

*Article 30.* 1. A consular officer shall also have the right:

- (a) To keep a register of nationals of the sending State and to receive from them statements required under the nationality laws of the sending State;
- (b) To issue passports and travel documents to nationals of the sending State, to renew or extend them and to issue visas;
- (c) To register births and deaths of citizens of the sending State which take place in the receiving State;
- (d) To register marriages and divorces concluded in accordance with the laws of the receiving State, if at least one of the parties is a national of the sending State;
- (e) To receive statements concerning the family relations of nationals of the sending State when such are required by the laws of that State, provided that they are not prohibited by the laws of the receiving State.

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

3. A consular officer shall also have the right to execute notarial deeds, and to notarize, authenticate, certify and attest signatures, documents or translations of docu-

ments in all cases where such services are requested by nationals of the sending State, when the document is intended for use outside the receiving State.

4. The provisions of paragraph 3 shall in no case apply to legal instruments establishing, transferring or revoking entitlements to immovable property in the receiving State.

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

*Article 31.* Where the competent authorities of the receiving State have information on the death of a national of the sending State, they shall communicate such information to the consular post concerned.

*Article 32.* 1. The competent authorities of the receiving State shall inform the consular post of the opening of any succession in that State where the heir or beneficiary is a national of the sending State who is not resident of 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 insure, maintain and manage property belonging to the estate *ab intestato*, situated in the receiving State, of a national of the sending State, or to which a national of the sending State may have hereditary rights, and to inform the consular officer of any measures that may already have been taken.

3. A consular officer may co-operate in carrying out the measures referred to in paragraph 2 and represent the heirs or beneficiaries who are nationals of the sending State.

4. Once the formalities associated with succession are completed, the consular officer may receive the movable property belonging to the legacy, or the proceeds of the sale of movable or immovable property, for the purpose of transferring it to an heir or beneficiary who is a national of the sending State and who is not living in the receiving State and has no representative there, provided that:

- (a) Payment has been made or guaranteed in respect of 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 in respect of any inheritance taxes.

5. If a national of the sending State dies while travelling, the personal effects, money and valuables on his person shall be handed over to the consular post against a receipt, provided that he did not have residence in the receiving State and has no representative there.

6. 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 33.* 1. The competent authorities of the receiving State shall inform a consular post in writing of any case where the appointment of a guardian or trustee appears to be in the interest of a national of the sending State who is in the receiving State.

2. A consular officer may submit to a court or other competent authority the names of suitable persons for appointment as guardians or trustees for citizens of the sending State.

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

4. The provisions of this article shall also apply to cases where it is in order to appoint a depositary of the property of a national of the sending State when his whereabouts and representatives are unknown.

*Article 34.* 1. A consular officer shall have the right to interview and communicate with any national of the sending State and to give him advice and every assistance, including, if necessary, action for providing legal aid.

2. The receiving State shall not in any way limit communication between a national of the sending State and a consular post or his access thereto.

3. Where a national of the sending State is arrested or otherwise detained, the competent authorities of the receiving State shall notify the appropriate consular officer of the sending State without delay.

4. A consular officer shall have the right to visit a national of the sending State who has been arrested, detained or imprisoned by sentence of a court. A consular officer shall refrain from visiting a detainee of the sending State when the detainee objects thereto.

5. The prerogatives referred to in paragraph 4 of this article shall be exercised in accordance with the laws and regulations of the receiving State, but on the understanding that such laws and regulations shall not obstruct full exercise of these rights.

*Article 35.* 1. A consular officer shall have the right to render all help and assistance to a vessel of the sending State anchored in port or in territorial or internal waters of the receiving State.

2. A consular officer may board a vessel as soon as it is allowed to establish free contact with the shore and the master of the vessel 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 exercise of his functions with respect to vessels of the sending State and to the master and members of the crew of any such vessel.

*Article 36.* A consular officer may:

- (a) Without prejudice to the powers of the authorities of the receiving State, investigate any accident occurring during the voyage of a vessel of the sending State, question the master and any member of the crew of such vessel, check the documents of the vessel, take statements concerning the voyage of the vessel and its destination, and generally facilitate the entry, exit and stay in port of the vessel;
- (b) Take any necessary action to sign on or discharge a master or any member of the crew, provided that this is not contrary to the laws of the receiving State;
- (c) Without prejudice to the powers of the authorities of the receiving State, settle disputes between the master and members of the crew, including disputes concerning wages and contracts of service, provided that he is so authorized under the laws of the sending State;
- (d) Take any action for the hospitalization or repatriation of the master or any member of the crew of the vessel;
- (e) Receive, draw up or attest any declaration or other document concerning vessels provided for by the laws of the sending State.

*Article 37.* 1. Where the tribunals 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; such notification shall be given in good time so as to enable the consular officer to be present, except in cases where this is not possible because of the urgency of the matter. If the

consular officer is not present or represented, the authorities of the receiving State shall provide him as soon as possible, 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 master or a member of the crew of a vessel is to be questioned ashore by the authorities of the receiving State on matters bearing on the vessel of the sending State.

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

*Article 38.* 1. If a vessel of the sending State is shipwrecked, runs aground, is swept ashore, or suffers any other accident in the waters of the receiving State, or if any article belonging to a citizen of the sending State being a part of the cargo of a vessel of a third State which has met with an accident is found on or near the shore of the receiving State or is taken to its port, the competent authorities of the receiving State shall, as soon as possible, inform a consular officer. They shall also inform him of any measures that have been taken for rescuing persons and preserving the vessel, the cargo and other goods on board and articles belonging to the vessel or forming part of its cargo which have been separated from the vessel.

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

3. If the owner, his agents or the respective underwriters or the master of a damaged vessel is not in a position to take the appropriate action, the consular officer shall be deemed authorized to take, on behalf of the owner of the vessel, the same action as the owner himself would have taken with respect to the vessel or its cargo, in accordance with what the laws of the receiving State may prescribe.

4. The provisions of paragraph 3 shall apply also to any article which forms part of the cargo of the vessel and belongs to a national of the sending State.

5. The authorities of the receiving State shall not levy customs duties or other import charges in connection with clearing the cargo, stores, equipment, supplies and articles carried by, or forming part of, the damaged vessel unless they are brought ashore for consumption or use, as the case may be, in the receiving State. The authorities of the receiving State may require such articles to be placed in safekeeping, or that other measures be taken to safeguard tax interests in accordance with their laws and regulations.

6. If any article forming part of the cargo of a damaged vessel of a third State, being the property of a national of the sending State, is found on or near the coast of the receiving State and is brought to a port of that State, and if neither the owner of the article nor his agents or the respective underwriters or the master of the vessel is in a position to take the necessary steps for its safe custody or its disposal, the consular officer shall be deemed authorized to take, on behalf of the owner, the same action as the owner himself might have taken.

*Article 39.* Article 35 to 38 shall also apply, *mutatis mutandis*, to aircraft of the sending State.

#### PART V. FINAL PROVISIONS

*Article 40.* 1. This Convention is subject to ratification and the exchange of the instruments of ratification shall take place in the city of Berlin.

2. This Convention shall enter into force 30 days after the date of the exchange of the instruments of ratification and shall remain in force for 12 months after the date on which either of the High Contracting Parties has informed the other in writing, through the diplomatic channel, of his intention to revoke it.

IN WITNESS WHEREOF, the aforesaid plenipotentiaries have signed and affixed their seals to this Convention in two originals, one in Spanish and the other in German, both texts being equally authentic, at Mexico City on 30 May 1977.

For the United Mexican States:  
[ALFONSO DE ROSENZWEIG-DÍAZ Jr.]

For the German Democratic Republic:  
[GERHARD KORTH]

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