

No. 22933

**MONGOLIA
and
LAO PEOPLE'S DEMOCRATIC REPUBLIC**

Consular Convention. Signed at Ulan Bator on 31 May 1983

Authentic texts: Mongolian, Laotian and French.

Registered by Mongolia on 7 June 1984.

**MONGOLIE
et
RÉPUBLIQUE DÉMOCRATIQUE POPULAIRE LAO**

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[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE MONGOLIAN PEOPLE'S REPUBLIC AND THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

The Mongolian People's Republic and the Lao People's Democratic Republic, Wishing to strengthen and develop the bonds of friendship and co-operation between their two States and to extend still further the consular relations between them in accordance with the Treaty of friendship and co-operation between the Mongolian People's Republic and the Lao People's Democratic Republic signed at Vientiane on 8 December 1979,

Have decided to conclude this Consular Convention and, to that end, have agreed as follows:

Chapter I. DEFINITIONS

Article 1. For the purposes of this Convention, the following expressions shall have the meanings hereinunder specified:

1. "Consular post" shall mean any consulate-general, consulate, vice-consulate or consular agency;
2. "Consular district" shall mean the territory of the receiving State within which consular functions are performed;
3. "Head of consular post" shall mean the consul general, consul, vice-consul or consular agent placed in charge of the consular post;
4. "Consular officer" shall mean any person, including the head of a consular post, responsible for performing functions at the consular post. The term "consular officer" shall also include trainees assigned to the consular post;
5. "Consular employee" shall mean any person not a consular officer who performs administrative, technical or domestic functions at the consular post;
6. "Members of the consular post" shall mean the consular officers and consular employees;
7. "Consular archives" shall mean all official correspondence, supplies, cipher, documents, books, office equipment and movables for their safekeeping;
8. "Vessel of the sending State" shall mean any vessel flying the national flag of that State;
9. "Aircraft of the sending State" shall mean any flying craft bearing the insignia of the sending State.

*Chapter II. ESTABLISHMENT OF CONSULAR POSTS
AND APPOINTMENT OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES*

Article 2. 1. A consular post may be opened only with the consent of the receiving State.

¹ Came into force on 28 January 1984, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Vientiane on 29 December 1983, in accordance with article 39 (1).

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

Article 3. 1. Before appointing the head of a consular post, the sending State shall through the diplomatic channel seek the assent of the receiving State to the appointment.

2. Having received such assent, the sending State shall through its diplomatic mission transmit a consular commission to the Ministry of Foreign Affairs of the receiving State. The consular commission shall indicate the full name of the head of the consular post, his nationality, rank, consular district and the seat of the consular post.

3. The head of the consular post may take up his duties after the receiving State has granted him the exequatur or other authorization.

4. Pending delivery to the head of the consular post of the exequatur or other authorization, the receiving State may permit him to exercise his consular functions provisionally.

Article 4. The sending State shall notify the Ministry of Foreign Affairs of the receiving State in advance of the full names, nationality, ranks and functions of consular officers other than the head of the consular post.

Article 5. Only a national of the sending State may be appointed a consular officer.

Article 6. The receiving State may at any time, and without having to explain its decision, notify the sending State through the diplomatic channel that the exequatur or other authorization granted to the head of a consular post has been withdrawn or that a consular officer or consular employee is unacceptable.

The sending State shall recall the person concerned if that person has already taken up his duties. If the sending State fails to discharge this obligation within a reasonable time, the receiving State may decline to recognize the person concerned as a consular officer or consular employee.

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

2. A person assigned to act as temporary head of a consular post shall have the same responsibilities as the head of the consular post. He shall enjoy all the privileges and immunities granted to a person appointed in accordance with article 3 of this Convention.

3. If a member of the diplomatic staff of the diplomatic mission of the sending State is appointed to the consular post in accordance with paragraph 1 above, he shall continue to enjoy the privileges and immunities accorded to him by virtue of his diplomatic status.

Chapter III. PRIVILEGES AND IMMUNITIES

Article 8. The sending State shall be entitled to rent or acquire, under the legislation of the receiving State, land, buildings or parts of buildings for use as the seat of the consular post, and living quarters for consular offices and employees of the consular post who are nationals of the sending State.

The receiving State shall provide the sending State with any necessary assistance in the acquisition of land, buildings or parts of buildings for the aforementioned purposes.

Article 9. 1. The receiving State shall assist consular officers in the performance of their functions and shall take appropriate steps to enable consular officers and employees of the consular post to carry out their functions and enjoy the privileges and immunities granted to them under this Convention.

2. The receiving State shall be under an obligation to treat members of the consular post with the respect due to them and take any precautionary measures necessary to prevent any attack upon their persons, freedom or dignity.

Article 10. 1. A shield bearing the arms of the sending State and the title of the consular post in the language of the sending State and that of the receiving State may be affixed to the consular post building.

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

3. The national flag of the sending State may be flown on the means of transport of the head of the consular post when they are being used for official purposes.

Article 11. 1. Buildings or parts of buildings and the land ancillary, thereto which are used exclusively for consular purposes shall be inviolable.

Authorities of the receiving State may not enter the buildings or parts of buildings or the land ancillary, thereto without the consent of the head of the consular post, the head of the diplomatic mission of the sending State or a person designated by one of them.

2. The provisions of paragraph 1 above shall also apply to the living quarters of consular officials and employees of the consular post.

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

Article 13. 1. A consular post shall be entitled to communicate with the Government, diplomatic mission and other consular posts of the sending State in the receiving State. For this purpose it shall be entitled to use all public means of communication, cipher, code, diplomatic and consular couriers and pouches.

When the consular post uses public means of communication it shall pay the same rates as apply to diplomatic missions.

2. The official correspondence of the consular post, which shall without exception use means of communication and pouches or consular bags bearing visible external marks of their official character shall be inviolable. The aforesaid official correspondence and pouches may be neither opened nor detained by the authorities of the receiving State.

3. A consular courier of the sending State shall enjoy the same privileges and immunities as are accorded by the receiving State to a diplomatic courier.

4. Pouches and consular bags may be entrusted to the captain of a vessel or aircraft. The captain of the vessel or aircraft must carry an official document indicating the number of packages making up the pouch, but shall not be considered a consular courier. A consular officer may take possession of the pouch directly and freely from the captain of the vessel or aircraft, and may also deliver pouches to him.

Article 14. Consular officers and employees of the consular post who are not nationals or permanent residents of the receiving State shall enjoy personal inviolability. They shall not be subject to arrest or detention.

Article 15. 1. Consular officers and employees of the consular post who are not nationals or permanent residents of the receiving State shall enjoy immunity from the jurisdiction of the receiving State except as provided in article 31, paragraph 1 (a), (b) and (c) and paragraph 3, of the Vienna Convention on Diplomatic Relations signed on 18 April 1961.¹

2. The provisions of article 14 and of article 15, paragraph 1, of this convention shall also apply to members of the family of a consular officer or employee of the consular post living with him if they are not nationals or permanent residents of the receiving State.

3. The sending State may waive the privileges and immunities of consular officers, employees of the consular post and members of their families. In such an event, the waiver shall be submitted to the receiving State in writing.

A waiver of immunity from jurisdiction in civil or administrative proceedings shall not be taken to imply a waiver of immunity in respect of execution of a decision, for which a separate waiver shall be required.

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

2. A consular employee who is not a national of the receiving State may give evidence as a witness if he so wishes. He may, however, refuse to give evidence on circumstances relating to the performance of his functions. A consular employee who refuses to give evidence or to appear before a court, shall not be subject to any measure or other sanction.

3. If an employee of the consular post consents to give evidence as a witness, the authority requesting his evidence must avoid hampering the activity of the consular post. Oral or written evidence may be taken from the consular employee at the consular post or in his living quarters.

4. An employee of the consular post to which the provisions of paragraph 2 above do not apply may refuse to give evidence on circumstances relating to the performance of his functions.

5. The provisions of this article shall also apply to civil and administrative proceedings.

6. The provisions of paragraphs 1, 2, 4 and 5 above shall also apply to members of the family of a consular officer or employee of the consular post living with him who are not nationals of the receiving State.

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

Article 17. 1. A consular officer shall be exempt from military service and other forms of compulsory public service in the receiving State.

2. The provisions of paragraph 1 above shall also apply to employees of the consular post, and members of the family of a consular officer or employee of the consular post living with him who are not nationals of the receiving State.

Article 18. Consular officers, employees of the consular post and members of their families living with them who are not nationals of the receiving State shall be exempt from the requirements under the laws and regulations of the receiving State relating to the registration of aliens, residence permits and other formalities of a similar nature to which aliens would generally be subject.

Article 19. 1. The sending State shall be exempt in the receiving State from taxes and dues on:

- (a) Land, buildings or parts of buildings wholly owned or rented on behalf of the sending State by a physical person or legal entity and used exclusively for consular purposes, including the living quarters of consular officers and consular employees,
- (b) Contracts and other instruments relating to the acquisition of immovable property if the sending State acquires such property exclusively for consular purposes.

2. The provisions of paragraph 1 above shall not apply to dues collected in payment for specific services rendered.

Article 20. The sending State shall be exempt in the receiving State from all taxes and dues on the ownership by the sending State, of any movable property used for consular purposes and on the acquisition of such movable property.

Article 21. Consular officers and employees of the consular post who are not nationals of the receiving State shall be exempt in the receiving State from taxes of any kind on all payments received in remuneration for their official functions.

Article 22. Consular officials, employees of the consular post and members of their families living with them who are not nationals of the receiving State shall be exempt from all national and regional taxes and dues in the receiving State. Movable property used by them shall likewise be exempt from all taxes and dues.

Article 23. 1. Articles, including movable property, imported for the official use of the consular post shall enjoy the same exemption from all customs duties and dues of any kind as articles imported for the official use of the diplomatic mission of the sending State.

2. Articles imported for the personal use of consular officers, employees of the consular post and members of their families living with them who are not nationals of the receiving State shall enjoy the same exemption from all customs duties and other dues of any kind, as articles belonging to personnel in the same category of the diplomatic mission of the sending State.

3. The expression "personnel in the same category of the diplomatic mission" used in paragraph 2 above refers to members of the diplomatic staff in the case of consular officers and members of the administrative and technical staff in the case of employees of the consular post.

Article 24. All persons to whom privileges and immunities are accorded under this Convention shall, without prejudice to their privileges and immunities, be required to respect the laws and regulations of the receiving State, including laws and regulations governing traffic and vehicle insurance.

Article 25. Subject to the laws and regulations of the receiving State concerning areas entry into which is prohibited or controlled for reasons of national security, consular officers and employees of the consular post shall be permitted to travel freely within the consular district in order to perform their functions.

Chapter IV. CONSULAR FUNCTIONS

Article 26. 1. A consular officer shall be entitled to perform the functions laid down in this chapter within the limits of his consular district. A consular officer may also perform other official functions provided that they are not contrary to the laws and regulations of the receiving State.

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

Article 27. Within the limits of the consular district, a consular officer shall be entitled:

1. To defend the rights and interests of the sending State, and its physical persons and bodies corporate;
2. To promote bonds of friendship between the sending State and the receiving State and encourage economic, commercial, cultural and scientific relations and tourism.

Article 28. Within the limits of the consular district, a consular officer shall be entitled to:

- (a) Receive any applications relating to nationality required by the laws of the sending State;
- (b) Register nationals of the sending State;
- (c) Issue, renew, cancel, extend the validity of and amend passports, entry, exit and transit visas and other similar documents;
- (d) Draw up certificates of birth and death relating to nationals of the sending State;
- (e) Solemnize marriages and register divorces when both spouses are nationals of the sending State;
- (f) Receive, in accordance with the laws and regulations of the sending State, applications relating to the family relationships of nationals renouncing the nationality of the sending State;
- (g) Authenticate documents of a legal nature.

2. The consul must, when the law of the receiving State so requires, notify the competent authorities of the receiving State of the registration of the changes in civil status referred to in paragraphs (d) and (e) above.

Article 29. 1. A consular officer shall, within the limits of the consular district and in accordance with the laws and regulations of the sending State, be entitled to:

- (a) Draw up, at the request of a national of any State, judicial documents for use in the sending State;
- (b) Draw up judicial documents at the request of a national of the sending State for use outside the sending State.

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

Article 30. Judicial documents and papers drawn up, certified or translated by a consular officer in accordance with article 29 of this Convention shall in the receiving State have the same legal effect and evidential value as judicial documents and papers drawn up, certified and translated by personnel in the competent authorities of the receiving State.

Article 31. 1. In the event of the death of a national of the sending State, the competent authorities of the receiving State shall as promptly as possible provide the consular officer of the sending State with information on the death, the property left by the deceased, the heir and co-heirs and the will.

2. If the heir and co-heirs are nationals of the sending State, the competent authorities of the receiving State shall notify the consular officer of the sending State of the opening of a succession in the receiving State.

If the competent authorities of the receiving State learn of the existence in a third State of property belonging to the estate of a national of the sending State, they shall also give notice thereof.

Article 32. A consular officer shall be entitled to represent nationals of the sending State before the authorities of the receiving State when such persons, owing to absence or for any other valid reason, are unable to defend their own rights and interests at the appropriate time. Such representation may continue until the persons represented appoint their own agents or themselves assume the defence of their rights and interests.

Article 33. 1. Within the limits of his consular district, a consular officer shall be entitled to communicate with any national of the sending State, to give any kind of aid and advice and, where necessary, to arrange legal assistance.

In no circumstances the receiving State shall restrict the freedom of nationals of the sending State to communicate with the consular post or their access to the consular post.

2. The competent authorities of the receiving State shall without delay notify the competent consular officer of the sending State of the arrest or detention in any form of a national of the sending State.

3. A consular officer shall be entitled to communicate immediately with any national of the sending State who is arrested, detained or imprisoned.

The rights established by this article must be exercised in accordance with the legislation of the receiving State, provided that such legislation does not annul (impinge upon) them.

Article 34. 1. A consular officer shall be entitled to extend any kind of assistance and aid to vessels of the sending State in a port of the receiving State.

2. The consular officer may communicate with the master of the vessel and members of the crew or go aboard a vessel of the sending State as soon as it has received *pratique*.

3. The 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 composition of their crews.

Article 35. Within the limits of his consular district, a consular officer shall be entitled:

- (a) Without prejudice to the powers of the competent authorities of the receiving State, to question the master or any member of the crew in pursuit of inquiries into any incident occurring on board a vessel of the sending State while at sea, to examine the vessel's papers and to take statements from the seamen with regard to the voyage;
- (b) Without prejudice to the powers of the authorities of the receiving State, to settle disputes of any kind between the master and any member of the crew, including disputes relating to wages and contracts of hire in accordance with the legislation of the sending State;
- (c) To provide any assistance required by vessels of the sending State to enter, stay within or depart from a port of the receiving State;
- (d) To make arrangements for the treatment in hospital and repatriation of any member of the crew of the vessel;
- (e) To receive, draw up or authenticate any papers called for under the legislation of the sending State relating to vessels.

Article 36. 1. Where the courts or other competent authorities of the receiving State intend to take any coercive measures or to institute any proceedings concerning a vessel of the sending State, the consular officer of the sending State shall be so informed so that a consular officer or his agent may be present.

If the consular officer or his agent is not present for any reason, the competent authorities of the receiving State shall provide the consular officer with a full report of what took place.

2. The provisions of paragraph 1 above shall also apply in the event that the master of the vessel or any member of the crew is to be questioned by the aforementioned authorities.

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

Article 37. 1. Where a vessel of the sending State is wrecked, runs aground or is otherwise damaged within the limits of the receiving State or where nationals of the sending State or articles belonging to them are aboard the vessel of a third State which has suffered damage within the limits of the receiving State, the competent authorities of that State shall so notify the consular officer of the sending State and shall also inform him of the measures taken to save the passengers and cargo.

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

The consular officer may extend all possible assistance to the vessel, members of the crew and passengers in accordance with this article and may take steps for the repair of the vessel. He may request the competent authorities of the receiving State to take such steps.

3. Where a damaged vessel or any article belonging to the vessel is found on or off the coast of the receiving State or is brought into a port of that State and neither the master of the vessel, the shipowner or owner, his agent nor the underwriters concerned are able to make the necessary arrangements for the custody or disposal of the vessel or article, the consular officer shall be empowered to take such action on behalf of the shipowner or owner as the shipowner or owner could have taken himself for that purpose.

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

4. Where any article forming part of the cargo of a vessel of a third State is the property of a national of the sending State and neither the master of the vessel, the shipowner, or owner, his agent nor the underwriters concerned are able to make the necessary arrangements for the custody or disposal of the vessel and its cargo, the consular officer may take such action on behalf of the shipowner as the shipowner could have taken himself for that purpose.

Article 38. The provisions of articles 34, 35, 36 and 37 shall apply to aircraft operated on civil aviation services.

Chapter V. FINAL PROVISIONS

Article 39. This Convention shall be ratified and shall enter into force on the thirtieth day following the exchange of instruments of ratification, which shall take place in Vientiane.

2. This Convention shall remain in force for an indefinite period. It may be denounced through notification by either High Contracting Party. In that event, it shall cease to have effect six months following the date of receipt of such notification.

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

DONE at Ulan Bator on 31 May 1983 in duplicate in the Mongolian, Lao and French languages, all three texts being equally authentic. In the event of differences in the interpretation of the texts in Mongolian and Lao, the French text shall serve as reference.

For the Mongolian
People's Republic:

[Signed]

MANGALYN DUGERSUREN
Minister for Foreign Affairs
of the Mongolian People's Republic

For the Lao People's Democratic
Republic:

[Signed]

PHOUNE SIPRASEUTH
Vice-Chairman of the Council of Min-
isters, Minister for Foreign Affairs of
the Lao People's Democratic Republic