

**No. 24642**

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**MONGOLIA  
and  
CHINA**

**Consular Convention. Signed at Ulan Bator on 9 August 1986**

*Authentic texts: Mongolian and Chinese.*

*Registered by Mongolia on 10 March 1987.*

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## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE MONGOLIAN PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF CHINA

The Mongolian People's Republic and the People's Republic of China,

Seeking to develop relations of friendship, co-operation and good-neighbourliness with a view to strengthening consular relations and safeguarding the interests of the two countries and peoples,

Have decided to conclude this Consular Convention and have agreed on the following provisions:

## CHAPTER I. DEFINITIONS

*Article 1*

In this Convention, the following expressions shall have the meanings given below:

(a) "Consular post" means a consulate-general, consulate, vice-consulate or consular agency.

(b) "Consular district" means the area assigned to the consular post for the exercise of consular functions.

(c) "Head of the consular post" means a consul-general, consul, vice-consul or consular agent who heads the consular post.

(d) "Consular officer" means a person, including the head of the consular post, who is a consul-general, vice-consul-general, consul, vice-consul, consular attaché or consular agent.

(e) "Consular employee" means a person who is not a consular officer and performs administrative or technical functions or services at the consular post.

(f) "Members of the consular post" means consular officers and consular employees.

(g) "Family members" means the spouse of a consular officer or consular employee and those children of a consular officer or consular employee who have not attained majority and reside with him.

(h) "Consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, intended specifically for use by the consular post.

(i) "Consular archives" means all incoming and outgoing papers and correspondence, documents, ciphers and codes, seals, audiotapes, videotapes, films, photographs, registers and books of the consular post, together with articles intended for their protection or safekeeping.

<sup>1</sup> Came into force on 7 February 1987, i.e., 30 days after the exchange of the instruments of ratification, which took place at Beijing on 9 January 1987, in accordance with article 35 (2).

(j) "Aircraft of the sending State" means an aircraft registered in the sending State and bearing the registration markings of that State, with the exception of military aircraft.

(k) "Vessel of the sending State" means a vessel flying the flag of the sending State in accordance with the laws of that State, with the exception of warships.

(l) "National of the sending State" means an individual possessing the nationality of the sending State or, where applicable, a legal person of that State.

## CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF THE MEMBERS OF CONSULAR POSTS

### Article 2. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF HEADS OF CONSULAR POSTS

1. A consular post may be established in the territory of the receiving State only with the consent of that State.

2. The seat of the consular post, its classification and consular district and any subsequent changes thereto shall be established by agreement between the sending State and the receiving State.

3. Before appointing the head of a consular post, the sending State shall, through the diplomatic channel, seek the consent of the receiving State to the appointment. Where the receiving State does not consent to the appointment of the person in question, it shall not be required to give an explanation of the reasons for the refusal.

4. Once the sending State has secured the consent of the receiving State, it shall, through its diplomatic mission, transmit a consular commission to the Ministry of Foreign Affairs of the receiving State. The commission shall state the full name and rank of the head of the consular post and the consular district and seat of the consular post.

5. Upon receipt of the consular commission relating to the appointment of the head of the consular post, the receiving State must without delay issue an exequatur free of charge.

6. Once the receiving State has issued the exequatur, the head of the consular post shall be admitted to the exercise of his functions.

7. Pending issuance of the exequatur, the receiving State may admit the head of the consular post to the exercise of his functions on a provisional basis.

8. Once the receiving State has confirmed the appointment of the head of the consular post or admitted him provisionally to the exercise of his functions, it shall immediately notify the competent authorities of the consular district and take all necessary measures to enable the head of the consular post to exercise his functions and enjoy all rights, privileges and immunities conferred by this Convention.

9. If the head of the consular post is unable for any reason to exercise his functions or if his position is temporarily vacant, the sending State may authorize a consular officer of that consular post or a member of the diplomatic staff of its diplomatic mission to assume the functions of the head of the consular post. The Ministry of Foreign Affairs of the receiving State shall be given prior written notification of the full name and rank of the acting head of the consular post.

10. The acting head of the consular post shall enjoy the same rights, privileges and immunities as those enjoyed by the head of the consular post under the provisions of this Convention.

11. A member of the diplomatic staff of the diplomatic mission of the sending State who is appointed acting head of the consular post in accordance with paragraph 9 of this article shall continue to enjoy the diplomatic rights, privileges and immunities to which he is entitled.

#### *Article 3.* APPOINTMENT OF MEMBERS OF THE CONSULAR POST

1. The sending State shall notify the Ministry of Foreign Affairs of the receiving State in writing of the full name of members of the consular post other than the head of the consular post, their rank, date of arrival, date of final departure or the termination of their functions and any other changes affecting their status during their service at the consular post.

2. The sending State shall notify the Ministry of Foreign Affairs of the receiving State of the full names of family members, their nationality, arrival and final departure, and the fact that any person becomes or ceases to be a family member.

3. The receiving State shall issue appropriate identity documents to members of the consular post and their family members, with the exception of those who are nationals or permanent residents of the receiving State.

4. Consular officers shall be nationals of the sending State who are not permanent residents of the receiving State.

5. The Contracting Parties shall determine the number of members of the consular post on the basis of consultations.

#### *Article 4.* EXERCISE OF CONSULAR FUNCTIONS BY DIPLOMATIC MISSIONS

1. The diplomatic mission of the sending State in the receiving State may exercise consular functions. The diplomatic mission of the sending State shall notify the Ministry of Foreign Affairs of the receiving State of the full name and rank of the member of the diplomatic staff exercising consular functions.

2. A member of the diplomatic staff exercising consular functions shall have the rights and duties attributed to consular officers under this Convention.

3. A member of the diplomatic staff of the diplomatic mission exercising consular functions shall continue to enjoy the diplomatic rights, privileges and immunities to which he is entitled.

#### *Article 5.* TERMINATION OF THE FUNCTIONS OF MEMBERS OF THE CONSULAR POST

The receiving State may at any time notify the sending State, through the diplomatic channel, that it has withdrawn the exequatur issued to the head of the consular post of the sending State or declared a member of the consular post *persona non grata* without being required to explain the reasons for its decision.

The sending State shall recall a member of the consular post in respect of whom such action is taken after he has entered on duty. If the sending State fails to do so within a reasonable period of time, the receiving State may refuse to consider him a member of the consular post.

## CHAPTER III. RIGHTS, PRIVILEGES AND IMMUNITIES

*Article 6.* LEASING OF LAND FOR THE CONSULAR POST AND PURCHASE OR RENTAL OF CONSULAR PREMISES AND RESIDENCES

1. The sending State may, in accordance with the laws of the receiving State lease land and purchase, rent, build or acquire in any other manner buildings or parts of buildings for use as the premises of the consular post and residences for members of the consular post, with the exception of residences of consular employees who are nationals or permanent residents of the receiving State. The receiving State shall provide the sending State with assistance to this end.

2. The sending State shall not be exempt from its responsibility to comply with the relevant construction and town planning legislation of the districts in which the land, buildings and parts of buildings referred to in paragraph 1 of this article are located.

*Article 7.* WORKING CONDITIONS OF THE CONSULAR POST AND PROTECTION OF CONSULAR OFFICERS

1. The receiving State shall take all necessary steps to enable the consular post to exercise its functions normally.

2. The receiving State shall take all necessary steps to enable consular officers from the sending State to exercise their functions and ensure their full enjoyment of the rights, privileges and immunities provided for in this Convention and in the laws of the receiving State.

3. The receiving State shall treat consular officers from the sending State with respect and shall take all appropriate steps to prevent any offence against their persons, freedom or dignity.

4. Consular officers shall enjoy personal inviolability and shall not be liable to any form of detention or arrest.

*Article 8.* NATIONAL COAT OF ARMS AND FLAG

1. The sending State may display on the consular premises its coat of arms and inscriptions designating the consular post in the languages of the sending State and the receiving State.

2. The sending State may fly its national flag on the consular premises and at the residence of the head of the consular post.

3. The head of the consular post may fly the national flag of the sending State on his means of transport when used for official purposes.

*Article 9.* INVIOABILITY OF THE CONSULAR PREMISES AND RESIDENCES

1. The consular premises shall be inviolable. The authorities of the receiving State shall not enter them except with the consent of the head of the consular post, the head of the diplomatic mission of the sending State or any person designated by either of them.

2. The provisions of paragraph 1 of this article shall apply also to the residences of members of the consular post.

3. The receiving State shall be obligated to take all measures to protect the consular premises against intrusion or damage and to prevent any disturbance of the peace of the consular post or any offence against its dignity.

*Article 10. INVIOABILITY OF THE CONSULAR ARCHIVES*

The consular archives shall be inviolable wherever they may be and at all times. Unofficial documents and articles may not be deposited in the consular archives.

*Article 11. FREEDOM OF COMMUNICATION*

1. The consular post shall have the right to communicate freely with the Government, diplomatic missions and other consular posts of the sending State. For this purpose, it may use public communications facilities, diplomatic or consular couriers, messages in code or cipher and consular or diplomatic bags. The consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. A sealed consular bag bearing visible external marks of its character shall be inviolable and shall not be opened or detained by the authorities of the receiving State. The consular bag may contain only official documents or articles intended for official use.

3. The consular courier of the sending State shall enjoy all rights, privileges and immunities accorded by the receiving State to its diplomatic couriers. The consular courier shall be a national of the sending State who is not a permanent resident of the receiving State and must be provided with an official document indicating his status.

4. The consular bag may be entrusted to the captain of an aircraft of the sending State. The captain shall be provided with an official document indicating the number of packages constituting the consular bag. He shall not, however, be considered to be a consular courier. By arrangement with the competent authorities of the receiving State, a consular officer may directly and freely deliver the consular bag to the captain.

*Article 12. IMMUNITY FROM JURISDICTION*

1. Consular officers shall not be subject to the judicial or administrative jurisdiction of the receiving State, except in the case of the following civil actions:

- (a) Those relating to private immovable property in the receiving State other than such property owned in the name of the sending State for use by consular officers;
- (b) Those relating to successions in which a member of the consular post is involved solely as a private person in the capacity of an executor of a will, trustee of an estate, heir or legatee and not as a representative of the sending State;
- (c) Those arising out of any professional or commercial activities undertaken in the receiving State which fall outside the scope of official duties;
- (d) Those relating to contracts concluded by members of the consular post in which they did not act, either directly or indirectly, as a representative of the sending State;
- (e) Those arising out of damage resulting from an accident in the receiving State caused by a means of transport in which a third party seeks compensation.

2. Except in the situations provided for in subparagraphs (a), (b), (c), (d) and (e) of paragraph 1 of this article, no measures may be taken in respect of a consular officer. In the event that the receiving State takes measures in any of these situations, it shall not harm the person of the consular officer or violate his residence.

3. Consular employees shall not be subject to the judicial or administrative jurisdiction of the receiving State in the exercise of their official functions, except in the case of the civil actions referred to in subparagraphs (d) and (e) of paragraph 1 of this article.

#### *Article 13. WAIVER OF IMMUNITIES*

1. The sending State may waive any of the immunities accorded to consular officers and members of their families under this Agreement. Any such waiver must be communicated in writing.

2. Where a person enjoying jurisdictional immunity under this Convention initiates proceedings, he may not invoke immunity in relation to any counter-claim directly related to the principal claim.

3. A waiver of immunity from jurisdiction in respect of a civil or administrative action shall not be considered a waiver of immunity in respect of measures of execution of a judgement, for which a separate waiver must be issued.

#### *Article 14. EXEMPTION FROM GIVING EVIDENCE*

1. Consular officers shall not be obligated to give evidence before the courts or competent authorities of the receiving State.

2. Consular employees may be called upon to give evidence before the courts or competent authorities of the receiving State.

3. Consular employees shall not be obligated to give evidence concerning matters connected with the exercise of their official functions or to furnish any official correspondence or documents relating thereto. They shall have the right to decline to give evidence as expert witnesses with regard to the law of the sending State. In all other cases, however, consular employees may not decline to give testimony.

4. The competent authority of the receiving State which calls upon a consular employee to give evidence shall avoid interference with the performance of his official functions. To the extent possible, such evidence may be taken in the form of a written statement or recorded at the consular employee's residence or the consular post.

#### *Article 15. EXEMPTION FROM ALL FORMS OF COMPULSORY SERVICE*

Consular officers shall be exempt in the receiving State from all compulsory services such as military obligations and personal services.

#### *Article 16. EXEMPTION FROM REGISTRATION AND RESIDENCE PERMITS*

Consular officers shall be exempt from all obligations under the laws and regulations of the receiving State relating to the registration of aliens and residence permits.

*Article 17.* EXEMPTION FROM TAXATION ON THE CONSULAR PREMISES  
AND THE RESIDENCES AND PROPERTY OF MEMBERS OF THE CONSULAR POST

1. The consular premises and residences of members of the consular post which are leased, purchased or built by individuals or legal persons in the name of the sending State or acting as its representative as well as the transactions and contracts or documents pertaining thereto shall be exempt from all forms of taxation.

2. The provisions of paragraph 1 of this article shall not apply to charges levied for specific services rendered.

3. The receiving State may not levy any tax on any property imported or purchased by the sending State for use by the consular post.

*Article 18.* EXEMPTION FROM TAXATION ON MOVABLE PROPERTY  
OF MEMBERS OF THE CONSULAR POST

Members of the consular post shall be exempt in the receiving State from all national and local taxes and charges, including all taxes and charges on their movable property, except:

- (a) Taxes and charges levied on private immovable property situated in the territory of the receiving State, subject to the provisions of article 17, paragraph 1, of this Convention;
- (b) Inheritance taxes and taxes on the transfer of ownership levied by the receiving State, except in the cases provided for in article 19, paragraph 8, of this Convention;
- (c) Taxes and charges on private income of any kind having its source in the receiving State and derived from activities other than official duties;
- (d) All national taxes and charges levied on contracts and other documents pertaining thereto, except in the cases provided for in article 17, paragraph 1, of this Convention;
- (e) Charges levied for specific services rendered;
- (f) Indirect taxes of the kind normally incorporated in the price of goods or in charges for services.

*Article 19.* EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION

1. All articles, including means of transport, intended for the official use of the consular post and all articles intended for the official use of diplomatic missions shall be exempt from customs duties.

2. Members of the consular post, family members residing with them and staff of diplomatic missions of corresponding rank shall be exempt from payment of customs duties.

3. The expression "staff of diplomatic missions of corresponding rank" in paragraph 2 of this article means diplomatic officers; in the case of consular employees, it means technical and service staff.

4. Articles imported by members of the consular post for their personal use may not exceed the quantities necessary for the immediate needs of the person concerned.



5. The personal baggage of consular officers shall be exempt from inspection. It may be subjected to inspection by the competent authorities of the receiving State only when they have substantial reasons for assuming that it contains articles whose import or export is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection must be carried out in the presence of the consular officer concerned or of his agent.

6. The customs duties referred to in this article shall not include insurance, freight or similar service charges.

7. The import and export of articles by the consular post and its members shall not violate any restrictions or prohibitions placed by the receiving State on the import or export of goods.

8. In the event of the death of a member of a consular post, the receiving State shall permit the export free of customs duty, of that movable property of the deceased which he used solely in his capacity as a consular officer while staying in the receiving State and shall levy no inheritance or estate taxes thereon. This provision shall not apply to property purchased in the receiving State and whose export is restricted or prohibited.

#### *Article 20. FREEDOM OF MOVEMENT*

The receiving State shall ensure to members of the consular post and to their family members freedom of movement within its territory, with the exception of areas entry into which is prohibited or regulated for reasons of national security.

#### *Article 21. CONSULAR FEES*

1. The consular post may levy in the territory of the receiving State the fees provided by the laws and regulations of the sending State for consular acts.

2. The fees referred to in paragraph 1 of this article shall be exempt from all dues and taxes in the receiving State.

#### *Article 22. PRIVILEGES AND IMMUNITIES OF FAMILY MEMBERS*

Subject to the provisions of article 23, paragraph 2, of this Convention, family members, except for those who are nationals or permanent residents of the receiving State, shall enjoy the privileges and immunities accorded under this Convention to members of the consular post and consular employees.

#### *Article 23. INDIVIDUALS NOT ENJOYING PRIVILEGES AND IMMUNITIES*

1. Except in the cases provided for in article 14, paragraph 3, of this Convention, consular employees who are nationals or permanent residents of the receiving State shall not enjoy the privileges or immunities accorded under this Convention.

2. Family members of the persons referred to in paragraph 1 of this article shall not enjoy the privileges and immunities accorded under this Convention.

#### *Article 24. RESPECT FOR THE LAWS AND REGULATIONS OF THE RECEIVING STATE*

1. Without prejudice to their privileges and immunities under this Convention, persons enjoying such privileges and immunities shall respect the laws and regulations of the receiving State, including traffic laws and regulations.

2. The consular post, members of the consular post and their family members shall respect the laws and regulations of the receiving State concerning motor vehicle insurance.

#### CHAPTER IV. CONSULAR FUNCTIONS

##### *Article 25. ACTIVITIES AND FUNCTIONS OF CONSULAR OFFICERS*

1. With a view to promoting friendship and co-operation between the sending State and the receiving State, consular officers shall endeavour to further the development of relations between the two States in the fields of economics, trade, science and culture.

2. Consular officers shall use all lawful means to ascertain conditions and developments in the receiving State in the political, commercial, economic, cultural, scientific, educational and other fields and to report thereon to the Government of the sending State.

3. Consular officers shall be entitled to perform the functions set out in this Convention and other consular functions which do not violate the laws and regulations of the receiving State.

4. A consular officer may exercise consular functions only within his consular district. He may exercise consular functions outside his consular district only with the consent of the authorities of the receiving State.

5. In the exercise of his functions, a consular officer may apply to the competent authorities of his consular district. He may also apply to the competent central authorities of the receiving State, with the consent of the receiving State.

6. No member of the consular post who is a national of the sending State may engage in any commercial or other professional activity in the receiving State apart from his official functions.

7. Members of the consular post may not interfere in the internal affairs of the receiving State.

##### *Article 26. PROTECTION OF THE RIGHTS AND INTERESTS OF THE SENDING STATE AND ITS NATIONALS*

1. Consular officers shall be entitled to protect the rights and interests of the sending State and of its nationals.

2. Where a national of the sending State is unable to undertake the defence of his rights and interests in a timely manner because he is not present or for any other reason, a consular officer shall have the right, within the consular district, to represent or arrange appropriate representation for the said national before the competent authorities of the receiving State or to provide appropriate representation for him. The right to such representation shall continue until such time as said national appoints his own representative or himself undertakes the defence of his rights and interests.

3. In carrying out the activities referred to in paragraph 2 of this article, consular officers shall respect the laws and regulations of the receiving State.

*Article 27.* APPLICATIONS FOR CITIZENSHIP, PASSPORTS AND VISAS  
AND REGISTRY FUNCTIONS

1. Consular officers shall be entitled, within the consular district, to:

- (a) Accept all applications for citizenship, in accordance with the laws of the sending State;
- (b) Register nationals of the sending State;
- (c) Issue, renew and revoke passports and other documents as well as entry, exit and transit visas and make any amendments or alterations thereto;
- (d) Register births and deaths of nationals of the sending State;
- (e) Register marriages and divorces between nationals of the sending State, provided that there is no conflict with the relevant laws and regulations of the receiving State, and issue the appropriate certificates.

2. The provisions of paragraph 1 of this article shall not exempt any of the parties concerned from the obligation to comply with the laws and regulations of the receiving State.

*Article 28.* NOTARIAL FUNCTIONS

1. Subject to compliance with the laws of the receiving State, consular officers shall be entitled, within the consular district, to perform the following notarial and legalization functions, in accordance with the laws of the sending State:

- (a) At the request of an individual of any nationality, issuing notarized documents for use in the sending State;
- (b) At the request of a national of the sending State, issuing notarized documents for use outside the sending State;
- (c) Authenticating signatures and seals on documents issued by the competent authorities of the sending State and the receiving State;
- (d) Certifying that translations into the official languages of the sending State or the receiving State are accurate;
- (e) Performing other notarial functions as required by the laws and regulations of the sending State.

2. Provided that they are not contrary to the laws of the receiving State, documents drawn up or authenticated or translations whose accuracy has been certified by consular officers in accordance with paragraph 1 of this article shall be considered to have the same legal status and effect in the receiving State as documents drawn up or authenticated by the competent authorities or bodies of that State or of translations whose accuracy has been certified by such authorities and bodies.

*Article 29.* INHERITANCE OF PROPERTY AND SAFEGUARDING OF ESTATES

1. The competent authorities of the receiving State shall immediately notify a consular officer of the sending State of the death of a national of the sending State and of the circumstances pertaining to his estate, heirs, legatees and will. At the request of the consular post, they shall transmit a copy of the death certificate or other document attesting to the death.

2. Where a national of the sending State mentioned as an heir or legatee in connection with a succession is not present in the receiving State but is entitled to inherit all or part of an estate or to receive a legacy left by a person of any nationality who has died in the receiving State, the competent authorities of the receiving State shall inform the consular post of the arrangements regarding the succession.

3. A consular officer may perform, in person or through his plenipotentiary representative, the following functions in respect of the succession of a national of the sending State:

(a) He may be present when the succession is registered and any relevant records are prepared by the competent authorities of the receiving State.

(b) He may apply to the competent authorities of the receiving State in order to safeguard the estate.

(c) In the event of the death in the receiving State of a national of the sending State who is not a permanent resident of the receiving State and who leaves property but no relatives or agent, the consular officer shall administer the monies, documents and property of the national in question, in accordance with the laws of the sending State.

4. Any movable property in a vacant succession left in the receiving State after the death of a national of the sending State shall be delivered into the custody of a consular officer of the sending State.

5. A consular officer may represent before the courts or other competent authorities of the receiving State, directly or through his agent, a national of the sending State who is entitled or has a claim to an estate in the receiving State if the said national or his agent is unable to participate in the succession proceedings.

6. If a court or other competent authority decides to award an estate or the proceeds from the sale thereof to a non-resident of the receiving State as the heir or legatee of a national of the sending State, said estate or the proceeds from the sale thereof shall be delivered into the custody of the consular officer of the sending State representing said national.

7. In the absence of any person to safeguard the estate of a national of the sending State, the consular officer may appoint an individual for that purpose.

8. In performing the functions set out in paragraphs 3, 4, 5, 6 and 7 of this article, consular officers shall comply with the laws and regulations of the receiving State.

#### *Article 30.* APPOINTMENT OF GUARDIANS OR TRUSTEES

1. The competent authorities of the receiving State shall notify the consular post of the need to establish, pursuant to the laws of the receiving State, guardianship or trusteeship in respect of a citizen of the sending State resident in the consular district who lacks legal capacity or full legal capacity.

2. Consular officers shall be entitled, to the extent permissible under the laws and regulations of the sending State, to protect the interests of a national of the sending State who lacks legal capacity or full legal capacity. When necessary, the consular officer may recommend or appoint a guardian or trustee for such persons and supervise the activities of the guardian or trustee.

*Article 31. COMMUNICATION WITH NATIONALS OF THE SENDING STATE*

1. Consular officers may meet and communicate with nationals of the sending State in order to advise them on matters including respect for the laws of the receiving State and all forms of assistance and, when necessary, to take measures to provide them with legal assistance.

2. When the competent authorities of the receiving State arrest or otherwise detain a national of the sending State, they shall so notify a consular officer of the sending State within seven days of the arrest or detention.

3. If the competent authorities of the receiving State arrest or otherwise detain or imprison a national of the sending State, a consular officer of the sending State shall be entitled to visit and communicate with said national within three days of notification of the arrest or detention and to provide him with legal assistance. The consular officer may continue to make such visits for a reasonable period of time.

4. In searching for a national of the sending State who is missing in the receiving State, consular officers may request the assistance of the competent authorities of the receiving State. The latter shall, to the extent possible, furnish information regarding the national in question.

5. The receiving State may not in any way restrict the access of a national of the sending State to the consular post of his country or his ability to communicate with that post.

*Article 32. ASSISTANCE TO AIRCRAFT OF THE SENDING STATE*

1. Within the consular district, consular officers shall have the right to provide all necessary assistance to aircraft of the sending State which are on the ground at airports of the receiving State or in flight.

2. Consular officers may communicate with the captain and members of the crew of aircraft of the sending State.

3. Consular officers may request the competent authorities of the receiving State to provide assistance to aircraft, pilots and crew members of the sending State in connection with any related problem.

4. Consular officers shall be entitled to take the following measures within the consular district in respect of aircraft of the sending State:

(a) Without prejudice to the rights of the competent authorities of the receiving State, conduct investigations of any incidents that have taken place on aircraft of the sending State which are in flight or on the ground, question the pilot and any members of the crew, inspect the aircraft papers, receive reports concerning the flight and destination of the aircraft and provide any assistance required for the landing, flight and stay on the ground of the aircraft;

(b) Where the laws of the sending State so provide and without prejudice to the rights of the competent authorities of the receiving State, settle all disputes between the pilot and any member of the crew;

(c) Take measures required for the hospitalization and medical treatment as well as the repatriation of the pilot and any member of the crew;

(d) Receive, issue or certify any reports or other certificates required in respect of aircraft under the law of the sending State.

*Article 33. COERCIVE MEASURES AND INVESTIGATIONS*

1. Where the courts or other authorities of the receiving State intend to take coercive measures of any kind or to conduct a formal investigation of an aircraft of the sending State, they must so notify the appropriate consular officer of the sending State in advance so that the consular officer or his representative may be present. If, owing to the urgency of the case, advance notification is impossible, the competent authorities of the receiving State must notify the consular post immediately after the action has been taken and, at the request of the consular officer, promptly provide all information concerning the steps taken.

2. The provisions of paragraph 1 shall apply to all such actions taken in respect of pilots and crew members of an aircraft of the sending State.

3. The provisions of paragraphs 1 and 2 shall not apply to routine inspections carried out by the competent authorities of the receiving State in connection with customs, border defence, the maintenance of security and quarantine or to any action taken at the request of, with the consent of, the pilot.

4. Where an aircraft of the sending State, its crew and passengers do not breach the peace, security and public order of the receiving State, the competent authorities of the receiving State may not interfere in the internal affairs of an aircraft of the sending State without having been requested to do so by the pilot of the aircraft and a consular officer or without their consent.

*Article 34. ASSISTANCE IN THE EVENT OF ACCIDENTS*

1. Where an aircraft of the sending State has an accident in the receiving State or the competent authorities of the receiving State discover that nationals of the sending State and their property are on board an aircraft of a third country which has an accident in the receiving State, the competent authorities of the receiving State shall promptly inform a consular officer of the sending State of the situation and of the measures being taken to rescue said nationals and their property.

2. Consular officers of the sending State shall be entitled to provide all forms of assistance to an aircraft which is involved in an accident and to its crew and passengers and may request assistance from the competent authorities of the receiving State. In providing such assistance, consular officers may also take measures for the repair of the aircraft and may request the competent authorities of the receiving State to take or to continue to take such measures.

3. If an aircraft of the sending State which has been involved in an accident in the receiving State or in a third country, parts of said aircraft or its cargo are found in the receiving State and the pilot, the operator of the aircraft, his representative and the insurer are unable to take measures to protect or dispose of the aforesaid aircraft and articles, the consular officer shall be entitled to take such measures on their behalf.

4. If the aircraft of the sending State, parts thereof and cargo referred to in paragraphs 1, 2 and 3 of this article are not sold or utilized in the receiving State, the receiving State may not collect customs duty or other similar duty.

5. The provisions of articles 32, 33 and 34 shall apply also to vessels of the sending State.

## CHAPTER V. FINAL PROVISIONS

*Article 35.* RATIFICATION, ENTRY INTO FORCE AND TERMINATION

1. This Convention is subject to ratification and shall enter into force 30 days after the date of the exchange of instruments of ratification, which shall take place at Beijing.

2. This Convention shall remain in force unless one of the Contracting Parties notifies the other in writing six months in advance of its intention to terminate it.

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

DONE at Ulan Bator on 9 August 1986, in duplicate in the Mongolian and Chinese languages, both texts being equally authentic.

For the Mongolian People's Republic:

[Signed]

DARAMYN YONDON

For the People's Republic  
of China:

[Signed]

LIU SHUQING

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