

merchant vessels of his country and decide disputes between the master and members of the crew, including disputes as to wages and contracts of service. The appropriate authorities of such other Party may, however, exercise their jurisdiction over disorders or offences on board such vessel within the territorial waters of such other Party:

- (a) When the authorities deem such disorders or offences to be of such a nature as tending to affect peace and order outside the vessel;
- (b) When persons other than the master or members of the crew or persons possessing the nationality of such other Party are involved in such disorders or offences;
- (c) When such offences involve the laws of such other Party regarding customs, public health or the safety of life at sea; and
- (d) When such offences constitute grave offences.

...

35. Consular Treaty¹ between the Union of Soviet Socialist Republics and the German Democratic Republic, signed at Moscow, on 10 May 1957²

I. ACCEPTANCE OF CONSULS

Article 1

Each Contracting Party shall permit consuls-general, consuls, vice-consuls and consular agents (hereinafter referred to as consuls) sent by the other Contracting Party to exercise their activities in its territory. Before a consul is appointed, the sending State shall obtain the consent of the other Contracting Party to the appointment and also to the consular district.

Article 2

1. A consul shall enter upon his duties as soon as he has been appointed by the Government of the sending State and has been granted an exequatur by the receiving State. The consul's letter of appointment shall specify his consular district.

2. The function of a consul shall terminate on recall, by withdrawal of his exequatur or in case of his death.

Article 3

In case of the death, recall, or temporary absence of the consul or when the consul is unable to act for any other reason, his deputy shall be entitled to perform the duties of consul, provided that the competent authorities of the receiving State have been notified in advance of his official status. The acting consul temporarily in charge of the consulate shall be entitled to all the rights and privileges guaranteed to the consul by this Treaty.

¹ United Nations, *Treaty Series*, vol. 285, p. 152.

² Came into force on 11 October 1957.

II. PRIVILEGES AND IMMUNITIES OF THE CONSULS

Article 4

1. The receiving State shall guarantee that consuls and members of their staff will not be obstructed in the performance of their duties. The authorities of the receiving State shall grant consuls and members of their staff all necessary support in the performance of their duties.

2. Official correspondence shall be inviolable and shall not be subjected to examination. This shall apply also to all telegraph communications.

3. The offices of the consulates shall be inviolable. The authorities of the receiving State shall not employ force either in the offices of the consulate or at the residence of the consul.

4. Consular archives shall be inviolable in all circumstances. Papers of a private nature shall not be kept in the consular archives.

5. In his communications with the authorities of the sending State a consul shall be entitled to use codes and to use the services of a diplomatic courier. When a consul uses the ordinary methods of communication, he shall be charged the same rates as diplomatic representatives.

Article 5

A consul shall be entitled to place on the building of the consulate the coat of arms of his State with an inscription designating the nature of the offices. He shall be entitled to fly the flag of his country at the above-mentioned building and on his residence and to place it upon vehicles used by him in the exercise of his duties.

Article 6

Consuls and members of their staff who are citizens of the sending State shall not be liable, in the courts of the receiving State, in respect of acts performed in their official capacity.

Article 7

1. Consuls and members of their staff may be required to give testimony before the judicial authorities of the country of residence.

2. If consuls or members of their staff should be prevented from appearing before the judicial authorities by the exigencies of their services, or by sickness or for any other reason, they shall make a deposition in writing.

3. Consuls and members of their staff may refuse to make a deposition concerning matters connected with their official duties.

Article 8

1. Consuls and members of their staff who are nationals of the sending State shall be exempt from military or other service and also from all direct taxes.

2. Land and buildings shall be exempt from military and other contributions only if they are used by the consul or his staff as official premises or as their residence.

3. Subject to reciprocity, consuls and members of their staff shall be entitled to the same privileges with regard to customs duties as members of diplomatic missions.

Article 9

The provisions of article 8 shall apply also to the wife and the minor children of a consul residing with him.

III. OFFICIAL FUNCTIONS OF THE CONSULS

Article 10

1. A consul shall safeguard the rights and interests of his State and of the nationals (natural and legal persons) of that State.

2. A consul shall be entitled in the exercise of his official duties to apply to the authorities in his consular district; he may make representations to these authorities in case of a violation of the rights and interests of the sending State or of the nationals of that State.

Article 11

A consul shall be entitled to register the nationals of the State which he represents who are residing either permanently or temporarily in his consular district.

Article 12

1. A consul shall be entitled to issue passports to the nationals of the State which he represents.

2. A consul shall give visas to nationals of the sending State and also to foreign nationals and stateless persons for entry into and for exit from the sending State.

Article 13

A consul shall receive from foreign nationals and stateless persons applications for the nationality of the sending State.

Article 14

A consul shall be entitled to represent any national of the sending State before the authorities of the receiving State, if the person concerned, owing to absence or for any other valid reason, is not in a position to protect his rights and interests within the appropriate time limits. Such representation shall continue until the person represented appoints a representative or until he assumes personally the protection of his rights and interests.

Article 15

A consul shall be entitled to perform in the consulate, his residence or the residence of a national of the sending State and also on board a vessel or aircraft flying the flag of the sending State, the following functions:

1. To draw up or certify the declarations of nationals of the sending State;

2. To draw up, certify and safeguard the testamentary dispositions or unilateral declarations of nationals of the sending State and also to accept for safekeeping the property and papers of such nationals;

3. To draw up or certify transactions between nationals of the sending State, provided that such transactions are not inconsistent with the laws of the receiving State. The consul shall not draw up or certify transactions establishing or transferring rights to buildings and land situated in the receiving State ;

4. To draw up or certify transactions between nationals of the sending State and those of the receiving State, provided that those transactions relate exclusively to interests situated in the territory of the State which the consul represents, or to contracts which are to be carried out in the territory of that State and provided that such transactions are not inconsistent with the laws of that State;

5. To certify the signature of nationals of the State which he represents, on any kind of document; to legalize documents issued by the authorities and officials of the sending or the receiving State, and also to certify copies of such documents;

6. To certify translations of documents issued by the authorities and officials of the sending or the receiving State;

7. To accept for safekeeping money or valuables either entrusted to him by nationals of the sending State or intended for such nationals;

8. To perform all other acts with which he may be charged, provided that they are not contrary to the laws of the receiving State.

Article 16

The documents mentioned in article 15 above, and also copies or translations thereof or extracts made from them, which have been drawn up or certified by the consul shall have in the receiving State the same legal validity and validity as evidence as documents, copies, translations and extracts drawn up, translated or certified by the competent authorities and institutions in the receiving State.

Article 17

1. If a national of the sending State dies within the consul's district, the consul shall ensure that all necessary measures are taken to protect the legal interests of the heirs.

2. The authorities in the consular district shall inform the consul of the deaths of any nationals of his State and also of any measures that have been taken or are contemplated to settle the estate.

Article 18

1. The local authorities shall be competent to take the inventory of the estate, to preserve it and to affix the seals thereto. At the request of the consul, they shall be obliged to take the necessary measures to protect the estate. The consul may be present when the local authorities take the inventory and the measures to protect the estate and he may participate in drawing up the inventory certificate and in affixing the seals. He shall be entitled to request the local authorities to hand over to him any movable property from the estate including the documents of the deceased person, even if the said property is in the safekeeping of the local authorities.

2. Before the assets of the estate are transmitted to the heirs or transferred abroad, the statutory duty on the value of the estate must be paid and other claims presented and proved by individual heirs or other persons residing in the receiving State must be satisfied. Such obligation on the part of the consul shall cease six months from the day of death if no heirs have notified the consul within that time that their claims have been recognized as valid or are under consideration by the appropriate authorities.

3. Immovable property forming part of the estate shall be subject to the laws of the country in which the property is situated.

Article 19

1. A consul shall be entitled to register marriages in accordance with the laws of the sending State, provided that both parties to the marriage are nationals of the sending State.

2. The performance of a marriage shall be notified to the competent authorities of the receiving State.

Article 20

1. A consul shall be entitled to issue certificates of the birth and death of nationals of the sending State in accordance with the procedure obtaining in the sending State.

2. The birth or death shall be notified to the competent authorities of the receiving State.

Article 21

A consul may appoint a guardian or curator for nationals of the sending State. He shall be entitled to supervise the manner in which the guardian or curator carries out his duties. If a consul learns that no administrator has been appointed for the property of a national of the sending State, he may appoint a trustee.

Article 22

1. A consul shall be entitled to render all help to vessels of the State which he represents. He shall be entitled in particular to communicate with the members of the crew and the passengers, examine the ship's papers, and receive depositions concerning the cargo, the purpose of the voyage and any special events.

2. If the authorities of the receiving State intend to carry out any measures of constraint on board a merchant vessel of the sending State, the consul in charge shall be notified in advance so that he may be present at such action. This provision shall not apply to customs, passport and health control of the vessel, the crew or the passengers.

Article 23

1. If a vessel sailing under the flag of the sending State is wrecked or suffers any other accident, a consul shall be entitled to render all help to the vessel, the crew and the passengers.

2. The local authorities shall immediately notify the appropriate consul of the accident to the vessel and inform him of the measures they have taken to save the persons on board, the vessel and its cargo. The said authorities shall give all necessary assistance to the consul in carrying out his arrangements in connexion with the accident.

Article 24

1. A consul shall be entitled to render all help to aircraft of the State which he represents. In particular, in the case of a forced landing he may

assist the crew and the passengers in their dealings with the local authorities and take appropriate measures to ensure the continuation of the flight.

2. If an aircraft of the sending State is involved in a disaster or accident, the consul shall be entitled to take measures or request that measures be taken to assist injured members of the crew and passengers, to save the cargo and to repair the aircraft.

3. The provisions of this article shall not affect the provisions of other agreements concerning mutual assistance in the case of air disasters or accidents.

IV. FINAL PROVISIONS

Article 25

The provisions of this Treaty concerning the rights and duties of consuls shall apply, *mutatis mutandis*, to all members of the diplomatic missions who have been commissioned to discharge consular duties. The performance of consular duties shall not affect the diplomatic privileges and immunities of these persons.

Article 26

This Treaty be valid for a period of five years. It shall be extended for further periods of five years until it is denounced by one of the Contracting Parties at least six months before the expiry of the current period of five years.

Article 27

This Treaty shall be ratified. It shall enter into force on the date of exchange of the instruments of ratification, which shall take place at Berlin.

NOTE: Similar provisions may be found in the Conventions concluded by the Union of Soviet Socialist Republics with Hungary, 24 August, 1957 (United Nations, *Treaty Series*, vol. 318, p. 20); Romania, 4 September 1957 (*ibid.*, vol. 318, p. 72); Albania, 18 September 1957 (*ibid.*, vol. 307, p. 282); Czechoslovakia, 5 October 1957 (*ibid.*, vol. 320, p. 146); Bulgaria, 12 December 1957 (*ibid.*, vol. 302, p. 38); Democratic People's Republic of Korea, 16 December 1957 (*ibid.*, vol. 292, p. 136); Mongolia, 25 August 1958 (*ibid.*, vol. 322, p. 230) and the Democratic Republic of Viet Nam, 5 June 1959 (*ibid.*, vol. 356, p. 132); by Czechoslovakia with the German Democratic Republic, 24 May 1957 (*ibid.*, vol. 292, p. 342); Albania, 16 January 1959 (*ibid.*, vol. 363, p. 180); Hungary, 27 March 1959 (*ibid.*, vol. 357, p. 72); Bulgaria, 27 May 1959 (*ibid.*, vol. 360, p. 350) and the People's Republic of China, 7 May 1960 (*ibid.*, vol. 402); and by Romania with the German Democratic Republic, 15 July 1958 (*ibid.*, vol. 387, p. 150); Hungary, 18 March 1959 (*ibid.*, vol. 417); Bulgaria, 23 April 1959 (*ibid.*, vol. 387, p. 98); Czechoslovakia, 21 May 1960 (*ibid.*, vol. 397); and Albania, 12 September 1960 (Ministerul Justiției: *Colectie de Legi, Decrete, Hotărâri și dispoziții*, București, 1961, I, p. 18). All these treaties have been ratified.