

No. 12774

**HUNGARY
and
PEOPLE'S DEMOCRATIC REPUBLIC OF KOREA**

**Consular Convention. Signed at P'yongyang on 5 October
1970**

*Authentic texts: Hungarian, Korean and Russian.
Registered by Hungary on 28 September 1973.*

**HONGRIE
et
RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE
DE CORÉE**

Convention consulaire. Signée à Pyongyang le 5 octobre 1970

*Textes authentiques : hongrois, coréen et russe.
Enregistrée par la Hongrie le 28 septembre 1973.*

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE HUNGARIAN PEOPLE'S
REPUBLIC AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF
KOREA

The Presidential Council of the Hungarian People's Republic and the Presidium of the Supreme People's Assembly of the Democratic People's Republic of Korea,

Desiring further to broaden the ties of friendship and to develop consular relations between the two States,

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

The Presidential Council of the Hungarian People's Republic: András Gyenes, Deputy Minister for Foreign Affairs of the Hungarian People's Republic,

The Presidium of the Supreme People's Assembly of the Democratic People's Republic of Korea: Li Man Sok, Deputy Minister for Foreign Affairs of the Democratic People's Republic of Korea,

who, having exchanged their full powers, found in good and due form,

Have agreed as follows:

CHAPTER I

ESTABLISHMENT OF A CONSULATE; APPOINTMENT OF A CONSUL, CONSULAR OFFICERS
AND CONSULAR EMPLOYEES AND TERMINATION OF THEIR FUNCTIONS

Article 1. 1. Each Contracting Party may, in accordance with this Convention, establish consulates in the territory of the other Contracting Party.

2. The seat of the consulate, its classification and the consular district shall be established by agreement between the receiving State and the sending State in each separate case.

3. Changes in the seat of the consulate, its classification or the consular district may be made by agreement between the sending State and the receiving State.

Article 2. 1. For the purposes of this Convention, the term "consulate" shall mean a consulate-general, consulate, vice-consulate or consular agency; and the term "consul" shall mean a consul-general, consul, vice-consul or consular agent appointed as head of a consulate.

2. The term "consular officer" shall mean any person entrusted with the exercise of consular functions to assist the consul.

3. The term "consular employee" shall mean any person who performs administrative or technical duties at a consulate, or who belongs to the service staff of the consulate.

¹ Came into force on 16 March 1971 by the exchange of instruments of ratification, which took place at Budapest, in accordance with article 32 (1).

4. The term “family member” shall mean the spouse of a consul, consular officer or consular employee, and minors who are dependent on them.

Article 3. 1. Prior to the appointment of a consul, the sending State shall in each case obtain the agreement of the receiving State through the diplomatic channel.

2. The sending State shall transmit the consular commission through the diplomatic channel to the Ministry of Foreign Affairs of the receiving State.

3. The consular commission shall specify the full name of the consul, his rank, the seat of the consular post and the consular district.

4. The consul may take up his consular functions as soon as the receiving State has granted him the exequatur.

5. Pending delivery of the exequatur, the receiving State may authorize the consul to exercise consular functions on a provisional basis.

Article 4. 1. If the consul is unable to carry out his functions or if the position is vacant, the functions of consul may be temporarily carried out by a consular officer, belonging to the same consulate, the consul of another consulate or a member of the diplomatic mission of the sending State in the receiving State.

The full name of the acting head of the consulate shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. The person authorized to act as consul under paragraph 1 of this article shall enjoy the facilities, privileges and immunities accorded by this Convention to the consul.

Article 5. 1. The sending State may send the necessary number of staff to the consulate.

2. The consul and consular officers shall have the nationality of the sending State. They may not engage in trade or carry on any other occupation in the territory of the receiving State.

3. The Contracting Parties do not recognize honorary consuls.

4. Consular employees may be nationals of the sending State or nationals of the receiving State.

Article 6. The functions of the consul, of a consular officer or of a consular employee shall come to an end on his recall, on withdrawal of the exequatur or on notification by the receiving State to the sending State that the receiving State has ceased to consider him a member of the consulate.

CHAPTER II

CONSULAR FUNCTIONS

Article 7. 1. The consul and consular officers shall: protect, within the limits of the consular district, the rights and interests of the sending State, and of its nationals, both individuals and bodies corporate; further the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State; strengthen the ties of friendship between the two States; and help and assist nationals of the sending State.

2. The performance of the consular functions provided for in this Convention and of other functions which may be entrusted to the consulate by agreement between the two Parties, and the exercise of the rights accorded to the consul and the consular officers, shall be subject to compliance with the laws of the receiving State.

Article 8. The consul and consular officers shall be entitled to perform the following functions:

(1) To keep a register of nationals of the sending State who are permanently or temporarily resident in the consular district.

This provision shall not exempt nationals of the sending State from the obligation to comply with the laws and regulations of the receiving State concerning the registration of aliens.

(2) To issue passports and other travel documents to nationals of the sending State, and to issue visas to persons travelling to the sending State.

(3) Without special authorization, to represent or arrange appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State for the purpose of protecting the rights and interests of those nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests.

The aforementioned right may not, however, be exercised in a manner contrary to the laws and regulations of the receiving State concerning the right of representation before the judicial authorities.

(4) Subject to the practices and procedures obtaining in the receiving State, to take steps with respect to guardianship or trusteeship for the purpose of safeguarding the interests of minors or persons lacking full capacity who are nationals of the sending State.

Article 9. The consul and consular officers may, on the instructions of the sending State, serve judicial and other documents on nationals of the sending State who are temporarily or permanently resident in the territory of the receiving State, provided that there is nothing contrary thereto in the laws and regulations of the receiving State.

Article 10. 1. The consul and consular officers shall be entitled, within the limits of the laws of the receiving State, to perform—on the premises of the consulate, in their living quarters, in the living quarters of nationals of the sending State or on board aircraft bearing the national insignia of the sending State—the following functions:

(a) To receive, draw up and attest declarations by nationals of the sending State;

(b) To receive, draw up and attest wills of nationals of the sending State;

(c) To receive, draw up and attest declarations and legal acts of nationals of the sending State that are to have legal effect in the territory of the sending State, provided that such declarations and acts do not relate to immovable property situated in the territory of the receiving State and are not contrary to the laws concerning such immovable property;

(d) To certify the exact date of declarations made by nationals of the sending State, to attest the signatures on such declarations, and to attest signatures and seals on documents issued by the judicial or other authorities of the sending State;

(e) To attest, at the request of nationals of the sending State, copies and translations of, and extracts from, declarations;

(f) To accept for safe keeping documents and movable property from or on behalf of nationals of the sending State. Such documents and property may not be taken out of the receiving State except in conformity with the laws of that State.

2. The declarations referred to in paragraph 1, sub-paragraphs (a) to (e), of this article shall have the same legal force and evidential value in the receiving State as do declarations certified or legalized by the judicial or other competent authorities of that State.

Article 11. 1. The consul and consular officers shall be entitled, in accordance with the laws of their State, to register the births, marriages and deaths of nationals of the sending State and to issue the corresponding certificates.

2. The provisions of paragraph 1 of this article shall not exempt the persons concerned from the obligation to make the appropriate declarations required by the laws of the receiving State.

3. The competent local authorities of the receiving State shall inform the consulate of the sending State without delay of the death of a national of the sending State.

Article 12. 1. The competent authorities of the receiving State in whose territory the estate of a national of the sending State is situated shall take steps, in accordance with the laws of their State, for the protection of the estate.

The said authorities shall inform the consulate of the sending State without delay concerning an estate situated in the territory of the receiving State which affects the rights of succession of nationals of the sending State.

2. The consul and consular officers shall be entitled to take measures for the taking of an inventory and for the preservation of an estate as referred to in paragraph 1 of this article, and to co-operate, in accordance with the legal procedures of the receiving State, in ensuring that the rights of succession of nationals of the sending State are given effect.

The consul and consular officers shall also be entitled to ascertain that the aforementioned measures are taken.

Article 13. 1. The consul and consular officers shall be entitled to extend assistance to aircraft bearing the national insignia of the sending State and to members of the crew and passengers of such aircraft.

2. If an aircraft bearing the national insignia of the sending State is destroyed or damaged, the consul and consular officers shall be entitled to take the necessary steps to rescue the crew and passengers and salvage the cargo thereof, and to request assistance from the authorities of the receiving State in taking such steps.

Article 14. The consul and consular officers may perform other consular functions entrusted to them by the sending State which are not prohibited by the laws of the receiving State or to which no objection is taken by the receiving State, or which are referred to in the international agreements in force between the sending State and the receiving State.

CHAPTER III

IMMUNITIES AND PRIVILEGES OF CONSULATES

Article 15. 1. The coat of arms of the sending State and the name of the consulate may be displayed on the building occupied by the consulate.

2. The flag of the sending State may be flown from the building occupied by the consulate and on the means of transport used by the consul in the performance of his official duties.

Article 16. The consular premises and the residence of the consul shall be inviolable.

The authorities of the receiving State shall not enter the consular premises or the residence of the consul except with the consent of the consul.

Article 17. The premises used for the exercise of consular functions, the residence of the consul and the living quarters of consular officers and of consular employees who are nationals of the sending State shall be exempt from all taxes other than such as represent payment for specific services rendered, provided that such premises, residence or living quarters are the property of the sending State or of the receiving State.

Article 18. 1. The consular archives shall be inviolable at all times. Private papers shall not be kept in the consular archives.

2. Official documents of the consul and of consular officers shall be inviolable and shall not be subject to inspection.

Article 19. 1. The receiving State shall permit and protect free communication by the consulate of the sending State with the Government, the diplomatic missions and other consulates, wherever situated, of the sending State.

For this purpose the consulate may employ all appropriate means, including diplomatic or consular couriers and messages in code or cipher.

2. The consular bag and the official correspondence of the consulate shall be inviolable and may not be opened or detained.

3. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. He must be a national of the sending State. In the performance of his functions the consular courier shall be protected by the receiving State and shall enjoy personal inviolability.

Article 20. In the exercise of their functions within the meaning of this Convention, the consul and consular officers may apply directly to, and request the assistance of, the local authorities within the consular district.

Article 21. The consulate may levy in the territory of the receiving State the fees provided by the laws of the sending State for consular acts.

CHAPTER IV

IMMUNITIES AND PRIVILEGES RELATING TO THE CONSUL, CONSULAR OFFICERS AND CONSULAR EMPLOYEES

Article 22. The receiving State shall take all steps to accord to the consul and consular officers, and to consular employees who are nationals of the sending State, the facilities for carrying on their activities and the immunities and privileges provided for in this Convention.

Article 23. 1. The consul and consular officers, and consular employees who are nationals of the sending State, shall not be subject to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed by them in the exercise of consular functions.

2. The consul and consular officers, and consular employees who are nationals of the sending State, shall not be liable to arrest and shall not be subject to any other form of restriction on personal freedom, except in the case of a grave crime committed in the territory of the receiving State.

Article 24. 1. The consul and consular officers, and consular employees who are nationals of the sending State, may be called upon to attend as witnesses in the course of judicial or administrative proceedings. If the consul or a consular official, or a consular employee who is a national of the sending State, declines to give evidence, no coercive measure or penalty may be applied to him.

2. The authority of the receiving State requiring evidence of a consul or a consular officer, or of a consular employee who is a national of the sending State, shall avoid interference with the performance of his functions. The said authority may take such evidence from a consul or a consular officer, or from a consular employee who is a national of the sending State, at his residence or on the consular premises or accept a statement from him in writing.

3. The consul and consular officers, and consular employees who are nationals of the sending State, shall be under no obligation to give evidence concerning matters connected with the exercise of their functions or relating to their functions.

They shall also be under no obligation to produce official correspondence or other material from the consular archives.

Article 25. 1. The consul and consular officers, and consular employees who are nationals of the sending State, shall be exempt in the receiving State from military obligations and measures of any kind and from all personal services.

2. The consul and consular officers, and consular employees who are nationals of the sending State, shall also be exempt in the receiving State from obligations relating to the registration, residence and movement of aliens.

Article 26. 1. The receiving State shall permit entry of and grant exemption from all customs duties on articles intended for:

- (a) the official use of the consulate;
- (b) the personal use of the consul and consular officers. Consular employees who are nationals of the sending State shall enjoy this privilege in respect of articles imported at the time of first installation.

2. The personal baggage accompanying the consul and consular officers shall be exempt from customs inspection.

Article 27. The consul and consular officers, and consular employees who are nationals of the sending State, shall be exempt from such taxes and charges on their salaries or wages as are collected in accordance with the laws of the receiving State.

Article 28. The provisions of articles 25 and 26 of this Convention shall apply also to members of the families of the consul and consular officers and of consular employees who are nationals of the sending State.

CHAPTER V

FINAL PROVISIONS

Article 29. It shall be the duty of the persons enjoying the immunities and privileges provided for in this Convention to respect the laws of the receiving State.

Article 30. 1. Where consular functions are exercised by members of a diplomatic mission, the immunities and privileges accorded to them by virtue of their diplomatic status shall remain in force. This provision shall also apply to a member of a diplomatic mission who is designated as acting head of a consulate.

2. The full name of a member of a diplomatic mission exercising consular functions shall be notified to the Ministry of Foreign Affairs of the receiving State.

Article 31. The provisions of this Convention relating to nationals of the sending State shall, where necessary, also apply, *mutatis mutandis*, to bodies corporate having the nationality of the sending State.

Article 32. 1. This Convention shall be ratified and shall enter into force on the date of the exchange of instruments of ratification, which shall take place at Budapest.

2. This Convention is concluded for a period of five years. If the Convention is not denounced by either Contracting Party six months before the expiry of the said period of five years, it shall continue in force for successive periods of five years.

DONE at P'yongyang on 5 October 1970, in duplicate, in the Hungarian, Korean and Russian languages, all three texts being equally authentic.

In case of any divergence of interpretation, the Russian text shall prevail.

For the Presidential Council
of the Hungarian
People's Republic:

[ANDRÁS GYENES]

For the Presidium
of the Supreme People's Assembly
of the Democratic
People's Republic of Korea:

[LI MAN SOK]