

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK 1965

Part One. Legal status of the United Nations and related inter-governmental  
organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related  
inter-governmental organizations



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**Chapter I**  
**LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS  
OF THE UNITED NATIONS AND RELATED  
INTER-GOVERNMENTAL ORGANIZATIONS**

**1. Canada**

PRIVILEGES AND IMMUNITIES (INTERNATIONAL ORGANIZATIONS) ACT  
*An Act<sup>1</sup> to amend the Privileges and Immunities (United Nations) Act*

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The long title of the *Privileges and Immunities (United Nations) Act*<sup>2</sup> is repealed and the following substituted therefor:

“An Act to provide for Privileges and Immunities in respect of the United Nations and International Organizations.”

2. Section 1 of the said Act is repealed and the following substituted therefor:

“1. This Act may be cited as the *Privileges and Immunities (International Organizations) Act*.”

3. (1) Subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

“3. (1) For the purposes of this section, the expression ‘organization’ means

(a) any specialized agency of which Canada is a member that is brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations; and

(b) any international organization of which Canada is a member, the primary purpose of which is the maintenance of international peace or the economic or social well-being of the community of nations.”

(2) Subsection (2) of section 3 of the said Act is amended by striking out the word “and” at the end of paragraph (c) thereof, by adding the word “and” at the end of paragraph (d) thereof and by adding thereto the following paragraph:

“(e) such experts performing missions for an organization as may be designated by the Governor in Council shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations.”

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<sup>1</sup> 13-14 Elisabeth II, chap. 47. Assented to on 18 March 1965.

<sup>2</sup> United Nations Legislative Series. *Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations*, vol. I (ST/LEG/SER.B/10), p. 10.

## 2. Iran

- (a) SECTION 37 OF THE LAW OF BUDGET FOR THE YEAR 1344 [21 MARCH 1965-20 MARCH 1966] CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO FOREIGN EXPERTS<sup>3</sup>

The Government is hereby authorized to exempt foreign experts expedited to Iran with the agreement of the Imperial Government through the technical, economic, scientific and cultural programmes on the basis of reciprocal treatment as well as the foreign experts expedited to Iran by the International Agencies, for the period of their service in Iran by virtue of the regulations which shall be set forth by the Ministry of Foreign Affairs and approved by the Parliamentary Finance Commissions, from payment of income taxes on their salaries or such remunerations which they receive from their respective governments or International Agencies. They shall also be exempted from payment of charges attributed to the issuance of work permit, customs and non-custom duties, as well as commercial profit charges levied on the personal or household effects of their own and their family, including the import of one motor vehicle.

- (b) PRIME MINISTER'S LETTER NO. 33874 DATED 23.9.1343 [14 DECEMBER 1964] TO THE MINISTRY OF FOREIGN AFFAIRS CONCERNING THE EXEMPTION FROM AIRPORT CHARGES OF THE BEARERS OF UNITED NATIONS "*Laissez-Passer*"<sup>3</sup>

"Upon the proposal of the Ministry of Foreign Affairs, No. 21/4618/25881 dated 15.9.43 [6 December 1964], the Council of Ministers, at its session of 23.9.1343 [14 December 1964], resolved that the provisions of paragraph (a), section 3, of the Council's Decree No. 28202 dated 16.9.1340 [7 December 1961] should, for the purpose of exemption from airport charges, apply to the bearers of "*Laissez-Passer*" issued by the United Nations or holders of certificates issued on the basis of such "*Laissez-Passer*".

The original copy of this decree is kept  
in the Office of the Prime Minister.

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## 3. Malawi

- (a) THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE<sup>4</sup>

(No. 10 OF 1964)

ORDER

(Under Section 6)

IN EXERCISE of the powers conferred on me by section 6 of the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, I, HASTINGS KAMUZU BANDA, Prime Minister and Minister of External Affairs, do order that the immunities and privileges set out in Part II of the Fourth Schedule to the said Ordinance shall apply to the representative of the World Health Organization of the United Nations specified in the Schedule hereof.

ZOMBA, 21st May, 1965  
(EA./12/9/07)

H. KAMUZU BANDA  
Prime Minister and  
Minister of External Affairs

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<sup>3</sup> Translation kindly furnished by the Government of Iran.

<sup>4</sup> *Juridical Yearbook*, 1964, p. 12.

SCHEDULE  
DR. L. ROBERTS  
World Health Organization Representative, Lusaka

(b) THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE, 1964<sup>5</sup>

(No. 10 OF 1964)  
ADDITION TO THIRD SCHEDULE  
(Under Section 6 (2))

IN EXERCISE of the powers conferred upon me by subsection (2) of section 6 of the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, 1964, I, HASTINGS KAMUZU BANDA, Minister of External Affairs, hereby order that the following names shall be added, in their appropriate alphabetical order, to the list of international organizations set forth in the Third Schedule to that Ordinance—

The Inter-Governmental Maritime Consultative Organization  
The International Atomic Energy Agency  
The International Refugee Organization  
The International Telecommunication Union  
The Universal Postal Union  
The World Meteorological Organization.

Made at Zomba this 31st day of July, 1965.

H. KAMUZU BANDA  
*Minister of External Affairs*

(c) THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE<sup>6</sup>

(No. 10 OF 1964)  
NOTICE  
(Under Section 6)

IN EXERCISE of the powers conferred on me by section 6 of the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, I, HASTINGS KAMUZU BANDA, Minister of External Affairs, do order that the immunities and privileges set out in Part II of the Fourth Schedule to the said Ordinance shall apply to the representatives of the United Nations specified in the Appendix hereto, and that the immunities and privileges set out in Part III of the Fourth Schedule to the said Ordinance shall apply to the officers and servants of the United Nations, the Food and Agriculture Organization and the United Nations Educational, Scientific and Cultural Organization specified in the Second Appendix hereto.

General Notice No. 95 of 1965 is hereby revoked.

Made at Zomba this 14th day of November, 1965.  
(E.A./12/1/03)

H. KAMUZU BANDA  
*Prime Minister and  
Minister of External Affairs*

*United Nations Technical Assistance Board and Special Fund*

First Appendix  
[Names omitted]

Second Appendix  
[Names omitted]

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<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

#### 4. Netherlands

MINISTERIAL ORDER OF 21 JANUARY-9 FEBRUARY 1965 EXEMPTING THE PERSONNEL OF CERTAIN INTERNATIONAL ORGANIZATIONS FROM PARTICIPATION IN NATIONAL INSURANCE SCHEMES<sup>7</sup>

*THE MINISTER FOR SOCIAL AFFAIRS AND PUBLIC HEALTH*

and

*THE MINISTER FOR FOREIGN AFFAIRS,*

having considered Article 2, para. (e) of the Royal Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 24*) and Article 2, para. (e) of the Royal Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 25*),

DO HEREBY DECREE:

##### *Article 1*

The following are hereby designated as international organizations within the meaning of Article 2, para. (e) of the Royal Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 24*) and Article 2, para. (e) of the Royal Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 25*):

- a. The United Nations;
- b. The International Court of Justice;
- c. The Permanent Court of Arbitration;
- d. Shape Technical Centre;
- e. The Hague Conference for Private International Law;
- f. The International Patents Institute.

##### *Article 2*

This Order is retroactive to 1 January 1963.

The Hague, 21 January 1965/9 February 1965

*The Minister for Social Affairs and Public Health*

G. VELDKAMP

*The Minister for Foreign Affairs*

J. M. A. H. LUNS

This Order will be published  
in the *Netherlands Government Gazette*.

*Note.* The General Old Age Pensions Act of 31 May 1956 (*Bulletin of Acts, Orders and Decrees No. 281*), the General Widows' and Orphans' Pensions Act of 9 April 1959 (*Bulletin of Acts, Orders and Decrees No. 139*) and the General Family Allowances Act of 26 April 1962 (*Bulletin of Acts, Orders and Decrees No. 160*) lay down regulations concerning the compulsory participation of the entire population of the country in: (1) a national insurance scheme providing against the financial consequences of old age; (2) a national insurance scheme providing for widows' and orphans' pensions; (3) a national insurance scheme providing for family allowances. The Family Allowances for Wage-earners Act of 23 December 1939 (*Bulletin of Acts, Orders and Decrees No. 806*) regulates the provision of family allowances for workers.

All these Acts provide that the categories of insured persons may be extended or limited by or in pursuance of a General Administrative Order and, *inter alia*, that those to whom a comparable Order outside the Kingdom of the Netherlands applies may be excepted from the categories of insured

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<sup>7</sup> Translation kindly furnished by the Government of the Netherlands.

persons, that is, persons residing only temporarily in the Kingdom of the Netherlands or employed there temporarily, together with their wives and families.

Article 2, paragraph (e) of the Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 24*), establishing a General Administrative Order as referred to above, provides that the following persons shall not be regarded as insured under the terms of the General Old Age Pensions Act, the General Widows' and Orphans' Pensions Act and the General Family Allowances Act:

"Those who cannot be regarded as permanently resident in the Kingdom and who, for duties performed within the Kingdom, receive salary or wages from international organizations designated by Our Ministers for Social Affairs and Public Health and for Foreign Affairs."

Article 2, paragraph (e) of the Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 25*) contains an identical provision regarding the Family Allowances for Wage-earners Act.

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## 5. New Zealand

THE DIPLOMATIC PRIVILEGES (UNITED NATIONS) ORDER 1959,<sup>8</sup> AMENDMENT NO. 1

Bernard FERGUSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of February 1965

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Diplomatic Immunities and Privileges Act 1957,<sup>9</sup> His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

1. This order may be cited as the Diplomatic Privileges (United Nations) Order 1959, Amendment No. 1, and shall be read together with and deemed part of the Diplomatic Privileges (United Nations) Order 1959\* (hereinafter referred to as the principal order).

2. Clause 11 of the principal order is hereby amended by inserting, after subclause (1), the following subclause:

"(1A) In subclause (1) of this clause the term 'representatives of the Governments of members' includes representatives of Governments of members or associate members of the Economic Commission for Asia and the Far East."

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\*S.R. 1959/51

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<sup>8</sup> United Nations Legislative Series, *Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations*, vol. I (ST/LEG/SER.B/10), p. 65.

<sup>9</sup> *Ibid.*, p. 55.



## 6. Poland

### ARTICLES 1111 AND 1112 OF THE CODE OF CIVIL PROCEDURE OF 17 NOVEMBER 1964 EXEMPTING CERTAIN PERSONS FROM THE OBLIGATION TO APPEAR BEFORE POLISH COURTS<sup>10</sup>

*Article 1111.* 1. The following foreigners may not be summoned to appear before Polish courts:

- (1) Diplomatic envoys of foreign States accredited to the Polish People's Republic;
- (2) Members of the diplomatic staffs of diplomatic missions of foreign States in the Polish People's Republic;
- (3) Other persons entitled to diplomatic immunities by virtue of any statute, agreement or universally recognized international custom;
- (4) Members of the family of any person specified in sub-paragraphs (1), (2) and (3) with whom that person maintains a common household.

2. The rules of the preceding paragraph are not applicable to the persons mentioned therein in relation to:

- (1) Cases involving private immovable property situated in Poland, unless this property is in possession of the persons concerned on behalf of the sending State or of the appropriate international organization;
- (2) Cases concerning inheritance in which the persons concerned act as heirs, legatees, executors of wills, administrators or curators of the inheritance in private capacity and not on behalf of the sending State or the appropriate international organization;
- (3) Cases relating to any kind of professional or business activities of the persons concerned, performed by them in Poland outside their official functions.

*Article 1112.* 1. The following persons may not be summoned to appear before Polish courts in cases coming within activities performed by them in the exercise of their duties:

- (1) Officials discharging consular functions on behalf of foreign States irrespective of their nationality;
- (2) Foreigners being administrative and technical employees of diplomatic missions and consular offices of foreign States in the Polish People's Republic or members of the service personnel of diplomatic missions and other persons assimilated to them by virtue of any statute, agreement or universally recognized international custom.

2. The rules of the preceding paragraph are not applicable to officials fulfilling consular functions and to administrative and technical staff of consular offices in case complaints have been submitted against these persons for redress of damages occasioned in Poland by any vehicle, sea- or river-going ship or aircraft.

*Note.* The category of "other persons entitled to diplomatic immunities by virtue of any statute, agreement or universally recognized international custom" comprises among others officials of international organizations, including the United Nations, of the specialized agencies and of the International Atomic Energy Agency, provided that the appropriate international agreements, binding upon Poland, include provisions granting diplomatic immunities to the officials of the above-mentioned organizations.

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<sup>10</sup> *Dziennik Ustaw*, 1964, No. 43, section 296. Came into force on 1 January 1965. Translation kindly furnished by the Government of Poland.

## 7. Thailand

AN ACT CONCERNING TAXES ON FUEL OIL AND OTHER PETROLEUM PRODUCTS PRODUCED WITHIN THE KINGDOM (No. 2) B.E. 2508 [1965]<sup>11</sup>

BHUMIBOL ADULYADEJ P.R.

Given on the 28th Day of February B.E. 2508 [1965]

Being the 20th year of the Present Reign.

By Royal Command of His Majesty King Bhumibol Adulyadej, it is hereby proclaimed that

Whereas it is considered fitting to amend the Act concerning Taxes on Fuel Oil and other Petroleum Products, produced within the Kingdom B.E. 2507 [1964],<sup>12</sup>

His Majesty the King, with the advice and consent of the Constituent Assembly, acting as the Legislative Assembly, is graciously pleased to adopt the following Act:—

*Section 1.* This Act shall be called “An Act concerning Taxes on Fuel Oil and other Petroleum Products, produced within the Kingdom (No. 2) B.E. 2508 [1965].”

*Section 2.* This Act shall come into force on the day following the date of its publication in the *Government Gazette*.

*Section 3.* The following shall be read as sub-sections (3) and (4) of Section 8<sup>13</sup> of the Act concerning Taxes on Fuel Oil and other Petroleum Products, produced within the Kingdom B.E. 2507 [1964]:

(3) All fuel oils and petroleum products, given to the Government of Thailand by governments of foreign countries or by any international organizations or used in any aid project in accordance with an agreement between the Government of Thailand and such foreign governments or international organizations;

(4) Benzine and lubricating oil used in vehicles belonging to:

- (a) diplomatic or consular missions and members of the staff thereof having the diplomatic or consular rank under international law or international agreements; the privilege shall be on the basis of reciprocity;
- (b) international organizations operating in Thailand in accordance with legislation concerning the operation of the international organizations in Thailand and members of their staff who enjoy exemption of custom duties as granted to persons having diplomatic rank in accordance with agreements concluded between the Government of Thailand and such international organizations;
- (c) persons enjoying exemption of custom duties as granted to persons having diplomatic rank in accordance with an agreement between the Government of Thailand and the government of a foreign country.

<sup>11</sup> *Government Gazette*, vol. 82, part 23, dated 16 March B.E. 2508 [1965]. Translation kindly furnished by the Government of Thailand.

<sup>12</sup> *Ibid.*, vol. 81, part 43, dated 12 May 2507 [1964].

<sup>13</sup> *Section 8.* Exemption and the refund of taxes may be granted to producers of fuel oil and petroleum products in accordance with the principles laid down in the Ministerial Regulations in the following cases:

- (1) Fuel oil and petroleum products which are to be exported;
- (2) Fuel oil and petroleum products used for the re-filling of aircraft which the customs authority has granted permit to export.

*Section 4.* The following shall be read as *Section 15 (bis)* of the Act concerning Taxes on Fuel Oil and other Petroleum Products, produced within the Kingdom B.E. 2507 [1964]:

*“Section 15 (bis).* The Director-General of the Excise Department is authorised to hear cases involving any infringement of this Act which carries only a penalty of fine and such cases shall be deemed to have been properly adjudicated.”

Countersigned by  
Field Marshal Thanom KITTAKACHORN  
*Prime Minister*

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## 8. Trinidad and Tobago

PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR, AND INTERNATIONAL ORGANIZATIONS) ACT, 1965.

AN ACT to<sup>14</sup> confer certain privileges and immunities on members of the diplomatic services, the consular services and on the Specialized Agencies of the United Nations by giving the force of law to certain articles of the Vienna Convention on Diplomatic Relations,<sup>15</sup> the Vienna Convention on Consular Relations, the Convention on the Privileges and Immunities of the United Nations<sup>16</sup> and the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations,<sup>17</sup> and for purposes connected therewith.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Privileges and Immunities (Diplomatic, Consular, and International Organizations) Act, 1965.

2. In this Act—

“Minister” means the Minister to whom responsibility for external affairs has been assigned;

“the convention” means the Convention on the Privileges and Immunities of the Specialized Agencies approved by the General Assembly of the United Nations on the 21st day of November, 1947;

...

“the General Convention” means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on the 13th day of February, 1946;

...

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<sup>14</sup> No. 23 of 1965. Assented to on 16 November 1965.

<sup>15</sup> United Nations, *Treaty Series*, vol. 500, p. 95.

<sup>16</sup> *Ibid.*, vol. 1, p. 15.

<sup>17</sup> *Ibid.*, vol. 33, p. 261.

### Part III

#### *Privileges and Immunities of the United Nations*

7. (1) Subject to this Act, the Articles set out in the Third Schedule being Articles of the General Convention shall have the force of law in Trinidad and Tobago and shall be construed in accordance with the provisions of this section.

(2) In the Articles referred to in subsection (1)—

(a) the reference in Article 1 to the effect that the United Nations shall possess juridical personality shall be construed as meaning that the United Nations is a body corporate within the meaning of section 19 of the Interpretation Act, 1962;

(b) the term “a national” in relation to Trinidad and Tobago shall be construed as meaning a citizen of Trinidad and Tobago or any person entitled to be registered as such.

### Part IV

#### *Privileges and Immunities of the Specialized Agencies of the United Nations*

8. (1) Subject to this Act, the Articles set out in the Fourth Schedule being Articles of the Convention shall have the force of law in Trinidad and Tobago and shall be construed in accordance with the provisions of this section.

(2) In the Articles referred to in subsection (1)—

(a) the reference in section 3 of Article II to the effect that the Specialized Agencies shall possess juridical personality shall be construed as meaning that the Specialized Agencies are bodies corporate within the meaning of section 19 of the Interpretation Act, 1962;

(b) the term “a national” in relation to Trinidad and Tobago shall be construed as meaning a citizen of Trinidad and Tobago or any person entitled to be registered as such.

...

### Part VI

#### *General*

11. If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Act, a certificate issued by or under the authority of the Minister stating any fact relating to that question shall be conclusive evidence of that fact.

12. (1) No person shall assume or use in connection with any trade, business, calling or profession, the name, official seal or emblem of the United Nations or any of its Specialized Agencies or any seal or emblem so nearly resembling any such seal or emblem as to be likely to deceive.

(2) A facsimile copy of each seal and emblem in relation to which subsection (1) applies shall be published in the *Gazette*.

(3) Evidence of any seal or emblem in relation to which subsection (1) applies may be given by the production of the *Gazette* purporting to contain a copy of the seal or emblem.

(4) Any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for one year or to both such fine and imprisonment.

13. The Governor-General may make regulations prescribing all matters which may be necessary for giving effect to this Act.

14. The Diplomatic Privileges (Extension) Ordinance is hereby repealed.

**Schedules**  
**Third Schedule**

(Section 7)

ARTICLES OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS HAVING  
THE FORCE OF LAW IN TRINIDAD AND TOBAGO

[Text of the Convention with the exception of the preamble, section 17 and sections 28-36]

**Fourth Schedule**

(Section 8)

ARTICLES OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES  
HAVING THE FORCE OF LAW IN TRINIDAD AND TOBAGO

[Text of the Convention with the exception of the preamble and sections 2, 8, 24, 27 and 31-49]

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**9. Uganda**

**THE DIPLOMATIC PRIVILEGES ACT, 1965**

AN ACT<sup>18</sup> to enable effect to be given to the Vienna Convention on Diplomatic Relations signed on the eighteenth day of April, one thousand nine hundred and sixty-one, and for other purposes connected therewith.

WHEREAS a Convention entitled the Vienna Convention on Diplomatic Relations the fact of which is set out in the Schedule to this Act was signed by the Signatories thereto on the eighteenth day of April, one thousand nine hundred and sixty-one, for promoting friendly relations among nations by establishing in common agreement uniform principles and rules relating to diplomatic intercourse, privileges and immunities:

AND WHEREAS it is decided to give effect to the Vienna Convention and to provide, so far as necessary, that its provisions shall have the force of law in Uganda, the Sovereign State of Uganda having acceded to the said Convention:

AND WHEREAS it is intended that the Vienna Convention shall replace the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, 1962, conferring immunities and privileges on staffs, representatives and members of committees of, and persons on missions on behalf of, certain international organizations and in respect of the property, premises and documents of such organizations; now therefore:

BE IT ENACTED by the President and the National Assembly in the present Parliament assembled as follows:—

1. Articles 22, 23, 24 and 27 to 40 of the Vienna Convention shall have the force of law and references therein to the receiving State shall, for this purpose, be construed as references to the Sovereign State of Uganda.

2. The President may, by statutory instrument, make Regulations extending any or all of the immunities and privileges conferred on diplomatic agents by virtue of this Act to prescribed organizations and prescribed representatives and officials, subject to such conditions and limitations as may be prescribed.

3. (1) The Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, 1962, is hereby repealed.

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<sup>18</sup> No. 2 of 1965. Assented to on 15 March 1965. Date of commencement: see Section 4.

(2) Pending the making of Regulations under section 2 of this Act, organizations and persons to whom the said Ordinance applied shall continue to be entitled to the privileges and immunities conferred by the Ordinance, so far as they are not inconsistent with the provisions of the Vienna Convention to which section 2 of this Act applies.

4. This Act shall come into force on such day as the President may, by statutory instrument, appoint.

#### Schedule

#### Vienna Convention on Diplomatic Relations

[Not reproduced]<sup>19</sup>

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### 10. Venezuela

(a) DECISION BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO THE RESIDENT REPRESENTATIVE OF THE TECHNICAL ASSISTANCE BOARD<sup>20</sup>

REPUBLIC OF VENEZUELA—MINISTRY OF FOREIGN AFFAIRS  
GENERAL DIRECTORATE—NUMBER 125  
Caracas, October 1965—156 and 107

It is decided:

By decree of the President of the Republic, with the object of implementing article V of the Agreement concerning Technical Assistance between the United Nations and its Specialized Agencies and the Government of Venezuela, signed on 23 August 1954<sup>21</sup> and in accordance with the power conferred on the National Executive by article 10 of the Act of 13 August 1945 concerning the Immunities and Prerogatives of Foreign Diplomatic Officers<sup>22</sup>, Mr. Adriano García, a United Nations official of Philippine nationality, shall be accorded the prerogatives and immunities set forth below, in order that he may discharge the functions pertaining to his mission, as long as he occupies the posts of Resident Representative and Deputy Resident Representative of the Technical Assistance Board:

- (a) Immunity from legal process of every kind in respect of words written or spoken and all acts performed in his official capacity;
- (b) Exemption from national taxation on salaries and emoluments;
- (c) Immunity from all national service obligations;
- (d) Immunity from all immigration restrictions in respect of himself, his spouse and minor children;
- (e) Exemption from customs duties on his furniture and effects at the time of first taking up his post in Venezuela;
- (f) He shall be accorded the same privileges as officials of comparable rank forming part of diplomatic missions accredited to the National Government;
- (g) He may refuse to appear as a witness before the Courts of the Republic;

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<sup>19</sup> See United Nations, *Treaty Series*, vol. 500, p. 95.

<sup>20</sup> Translation by the Secretariat of the United Nations.

<sup>21</sup> United Nations, *Treaty Series*, vol. 201, p. 51.

<sup>22</sup> United Nations Legislative Series, *Laws and Regulations regarding diplomatic and consular privileges and immunities* (ST/LEG/SER.B/7), p. 402.

(h) In case of his death, his family shall continue to enjoy the immunities for a reasonable term, which shall not be less than one month or more than four, until they leave the territory of the Republic.

Approved for distribution and publication

Efrain Schacht ARISTEGUIETA  
*Acting Minister for Foreign Affairs*

(b) DECISION BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO TECHNICAL ASSISTANCE EXPERTS<sup>23</sup>

REPUBLIC OF VENEZUELA—MINISTRY OF FOREIGN AFFAIRS  
GENERAL DIRECTORATE  
Caracas

It is decided:

By decree of the President of the Republic, pursuant to article 10 of the Act of 13 August 1945 concerning the Immunities and Prerogatives of Foreign Diplomatic Officers and article V of the Agreement concerning Technical Assistance between the United Nations and its Specialized Agencies and the Government of Venezuela, signed on 23 August 1954, the experts named below shall be accorded the prerogatives and immunities set forth in decree number 124 of this Office, of 24 May 1963, published in the *Gaceta Oficial* No. 27,159, of 1 June 1963.

[Names follow]

Approved for distribution and publication

Ignacio Iribarran BORGES  
*Minister for Foreign Affairs*

Annex

REPUBLIC OF VENEZUELA—MINISTRY OF FOREIGN AFFAIRS  
GENERAL DIRECTORATE—No. 124  
Caracas, May 1963—154 and 105

It is decided:

By decree of the President of the Republic, with the object of implementing article V of the Agreement concerning Technical Assistance between the United Nations and its Specialized Agencies and the Government of Venezuela, signed on 23 August 1954, and in accordance with the power conferred on the National Executive by article 10 of the Act of 13 August 1945 concerning the Immunities and Prerogatives of Foreign Diplomatic Officers, the experts listed below shall be accorded the prerogatives and immunities set forth below, in order that they may discharge the functions pertaining to their mission, as long as they remain in the service of the National Government.

- (a) Immunity from arrest and detention and from seizure of their baggage;
- (b) Immunity from legal process of every kind in respect of words spoken or written and acts done by them in the course of the performance of their mission;
- (c) Inviolability for all papers and documents and the right to use codes for the purpose of their communications with the United Nations and the Specialized Agencies;
- (d) Exemption from customs duties on personal baggage and on objects which they subsequently import, provided that the latter are necessary for the performance of their mission;
- (e) Exemption from customs duties in connexion with the importation of an automobile for their personal use;
- (f) Immunity from all national service obligations;
- (g) Exemption from national taxes on salaries.

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<sup>23</sup> Translation by the Secretariat of the United Nations.

The decrees published in the issues of the *Gaceta Oficial* listed in this document, under which immunities and privileges were granted to the experts mentioned below, shall be annulled.

[Names follow]

## 11. Zambia

### DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT, 1965

AN ACT<sup>24</sup> to give effect to the Vienna Convention on Diplomatic Relations;<sup>25</sup> to provide for the immunities, privileges and capacities of certain international organisations and persons connected therewith, of representatives of other States attending international conferences and of consular officers and certain other persons; to amend the Customs and Excise Act, 1955; to repeal the Immunities and Privileges Act, 1956; and to provide for purposes connected with the foregoing.

[4th June, 1965.]

ENACTED by the Parliament of Zambia.

1. This Act may be cited as the Diplomatic Immunities and Privileges Act, 1965.

2. (1) In this Act, unless the context otherwise requires—

...

“Minister” means the Minister for the time being entrusted by the President with responsibility for the administration of this Act.

...

“the Vienna Convention” means the Vienna Convention on Diplomatic Relations signed in Vienna on the eighteenth day of April, 1961.

...

4. (1) This section shall apply to any organisation which the President may by order declare to be an organisation of which the Republic or the Government and one or more other States or the government or governments thereof are members.

(2) The President may by order—

(a) provide that any organisation to which this section applies (hereinafter referred to as “the organisation”) shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Second Schedule, and shall also have the legal capacities of a body corporate;

(b) confer upon—

(i) any persons who are representatives (whether of governments or not) on any organ of the organisation or are members of any committee of the organisation or of an organ thereof;

(ii) such number of officers of the organisation as may be specified in the order, being the holders of such high offices in the organisation as may be so specified; and

<sup>24</sup> No. 30 of 1965. Assented to on 28 May 1965.

<sup>25</sup> United Nations, *Treaty Series*, vol. 500, p. 95.



(iii) such persons employed on missions on behalf of the organisation as may be so specified;

to such extent as may be specified in the order, the immunities and privileges set out in Part II of the Second Schedule;

(c) confer upon such other classes of officers and servants of the organisations as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Second Schedule;

and Part IV of the Second Schedule shall have effect for the purpose of extending to the staff of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges.

(3) An order made under this section may, notwithstanding any provision of any written law, including this Act, confer on any organisation or person any immunities or privileges which are required to be conferred on that organisation or person in order to give effect to any international agreement in that behalf but shall not confer any immunities or privileges greater in extent than those so required as aforesaid or confer any immunity or privilege upon any person as the representative of the Government of Zambia or as a member of the staff of such a representative.

5. (1) The President may by order confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

(2) In this section "International Court" means the International Court of Justice set up under the Charter of the United Nations.

6. Where a conference is held in Zambia and is attended by the representatives of the Government and the government or governments of one or more other States, and it appears to the Minister that doubts may arise as to the extent to which a representative of the government of any such State and members of his official staff are entitled to diplomatic immunities he may—

(a) compile a list of the persons aforesaid who are entitled to such immunities and cause that list to be published in the *Gazette*; and

(b) whenever it appears to the Minister that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of the government of such State who is for the time being included in the list, and such of the members of his official staff as are for the time being included in the list, shall be entitled to the like immunities as are accorded to a diplomatic agent of a sending State accredited to Zambia and to members of the official staff of such a diplomatic agent respectively.

...

(2) Nothing in this Act shall be construed as precluding the President from declining to accord immunities or privileges to, or withdrawing immunities or privileges from, nationals or representatives of any State on the ground that that State is failing to accord corresponding immunities or privileges to citizens or representatives of Zambia.

...

13. The Minister shall compile a list of the persons appearing to him to be entitled to immunities or privileges by or under the provisions of this Act, except—

(a) children under the age of eighteen years of a person so entitled;

(b) any person whose name appears on a list published under section *six*; and he shall from time to time amend the list and shall cause the list and any amendment of the list or any amended list to be published in the *Gazette*.

14. (1) The Minister or a person authorised by him in that behalf shall issue an identity card in a form approved by the Minister to any person who is entitled to immunities or privileges under this Act.

(2) When the person to whom an identity card was issued under subsection (1) ceases to be entitled to the immunities and privileges accorded to him under this Act, the identity card issued to him shall thereupon have no effect.

(3) Subject to the provisions of this Act any person who is in unlawful possession of or makes use of an identity card issued to any other person under this section shall be guilty of an offence and be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

15. If in any proceedings any question arises whether or not any person is entitled to immunities or privileges by or under the provisions of this Act, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

16. (1) Any article which on importation is exempted from customs duty under the provisions of Article 36 of the Vienna Convention or any order made under section *four* or section *nine* shall not be sold or otherwise disposed of to a person who is not entitled to the exemption granted by that Article or order except with the consent of the Controller of Customs and Excise and upon the payment to him of customs duty.

(2) Any exemption from customs duty granted to any person under this Act shall not be construed as exempting that person from compliance with the formalities in respect of the importation of goods which are prescribed in any law relating to customs.

...

18. Section *one hundred and two* of the Customs and Excise Act, 1955 is amended in paragraph (d) of subsection (1) by the deletion of "in pursuance of the provisions of section 10 of the Immunities and Privileges Act, 1956" and the substitution therefor of "under the provisions of Article 36 of the Vienna Convention on Diplomatic Relations as applied by the Diplomatic Immunities and Privileges Act, 1965 or of any order made under that Act".

19. (1) The Immunities and Privileges Act, 1956, is repealed.

(2) Where there is any conflict or inconsistency between any provision of this Act or order made thereunder and any provision of any other written law then the provision of this Act or order made thereunder shall prevail and the provision of that other written law shall, to the extent of the conflict or inconsistency, have no effect.

...

## Second Schedule

(Section 4)

### INTERNATIONAL ORGANISATIONS AND PERSONS CONNECTED THEREWITH

#### Part I

##### *Immunities and Privileges of the Organisation*

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of a diplomatic agent of a sending State accredited to Zambia.

3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.

4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Zambia or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.

## Part II

### *Immunities and Privileges of Representatives, Members of Committees, High Officers and Persons on Missions*

1. The like immunity from suit and legal process as is accorded to a diplomatic agent of a sending State accredited to Zambia.

2. The like inviolability of residence as is so accorded to such a diplomatic agent.

3. The like exemption or relief from taxes as is so accorded to such a diplomatic agent.

## Part III

### *Immunities and Privileges of Other Officers and Servants*

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

## Part IV

### *Immunities and Privileges of Official Staffs and of High Officers' Families*

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II as a representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of a diplomatic agent of a sending State accredited to Zambia is entitled to the immunities and privileges accorded to the diplomatic agent.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II as an officer of the organisation, that person's wife or husband and children under the age of twenty-one years shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of a diplomatic agent of a sending State accredited to Zambia are entitled to the immunities and privileges accorded to the diplomatic agent.