

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1962

Part One. Legal status of the United Nations and related intergovernmental  
organizations

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



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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

#### 1. AUSTRALIA

##### (a) Statutory Rules No. 105 of 1962

##### Regulations under the International Organizations (Privileges and Immunities) Act 1948-1960 1/

Whereas it is provided by section five of the International Organizations (Privileges and Immunities) Act 1948-1960<sup>2/</sup> that the Governor-General may make regulations, not inconsistent with that Act, prescribing all matters which by that Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for giving effect to that Act and, in particular, amongst other things, for giving effect, in relation to any international organization, to the provisions of any convention on the privileges and immunities of that international organization to which Australia has acceded:

And whereas Australia has acceded to the Convention on the Privileges and Immunities of the Specialized Agencies,<sup>3/</sup> being the Convention approved by a resolution of the General Assembly of the United Nations adopted on the twenty-first day of November 1947, as modified in accordance with the terms of the Convention and has, subject to certain specified considerations, undertaken to apply to the Specialized Agencies specified in the following Regulations the provisions of the Convention:

And whereas it is desirable to give effect to that undertaking:

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1/ Notified in the Commonwealth Gazette on 26 November 1962.

2/ See 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. 3.

3/ United Nations, Treaty Series, vol. 33, p. 261.

Now therefore I, the Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the International Organizations (Privileges and Immunities) Act 1948-1960.

Dated this twenty-third day of November, 1962.

DALLAS BROOKS  
Administrator.

By His Excellency's Command,

G.E. BARWICK  
Minister of State for External Affairs

---

International Organizations (Privileges and Immunities  
of Specialized Agencies) Regulations

Citation

1. These Regulations may be cited as the International Organizations (Privileges and Immunities of Specialized Agencies) Regulations.

Definitions

2. In these Regulations, unless contrary intention appears -  
"Australia" includes the Territories of the Commonwealth;  
"Specialized Agency" means -

- (a) the International Labour Organisation;
- (b) the Food and Agriculture Organization of the United Nations;
- (c) the International Civil Aviation Organization;
- (d) the United Nations Educational, Scientific and Cultural Organization;
- (e) the International Monetary Fund;
- (f) the International Bank for Reconstruction and Development;
- (g) the World Health Organization;
- (h) the Universal Postal Union;
- (i) the International Telecommunication Union;
- (j) the World Meteorological Organization;
- (k) the Inter-Governmental Maritime Consultative Organization;
- (l) the International Finance Corporation; and
- (m) the International Development Association;

"the Convention" means the Convention, as modified by the Annexes, set forth in the Schedule to these Regulations.

Juridical  
personality  
of Specialized  
Agencies

3. (1) Each specialized agency -
- (a) is a body corporate with perpetual succession;
  - (b) has the capacity to contract; and
  - (c) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of instituting legal proceedings.

(2) All courts, judges and persons acting judicially in Australia shall take judicial notice of the seal of a Specialized Agency affixed to a document and shall presume that it was duly affixed.

Privileges  
and immunities

4. (1) Each Specialized Agency and each person in relation to whom the Convention applies has, in Australia, the privileges and immunities applicable under the Convention (other than those referred to in section 11 of the Convention) to that specialized agency or that person, as the case may be.

(2) A Specialized Agency has the right to avail itself, for telegraphic communications sent by it and containing only matters for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Australia), of the reduced rates applicable for the despatch of press telegrams.

(3) Where any Act, other than the International Organizations (Privileges and Immunities) Act 1948-1960 or regulations under any Act including regulations under that last-mentioned Act makes provision in relation to privileges and immunities of a Specialized Agency or a person in relation to whom the Convention applies, sub-regulation (1) of this regulation does not confer any privileges or immunities in relation to matters arising under that first-mentioned Act or under those regulations, as the case may be.

Evidence

5. A certificate under the hand of the Minister certifying that, on a specified date or during a specified period -

- (a) a specified State, country or Government was a Member of a Specialized Agency;
- (b) a specified meeting was a meeting convened by a Specialized Agency or a meeting within the meaning of sub-section (vi) of section 1 of the Convention; or
- (c) a specified person was -
  - (i) a representative of a Member of a Specialized Agency at a meeting referred to in the last preceding paragraph;
  - (ii) included in a category of officials of a Specialized Agency to which the provisions of Articles VI and VIII of the Convention applied; or

(iii) on the grounds stated in the certificate, a person entitled under the Convention to privileges and immunities applicable under the Convention, is evidence of the matter so certified.

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The Schedule

Regulations 2 and 4

Convention on the Privileges and Immunities  
of the Specialized Agencies

/Not reproduced/

(b) Customs Tariff Amendment No. 53 and Excise Tariff  
Amendment No. 1 1/

(Customs Tariff Amendment (No. 53))

1. That the Schedule to the Customs Tariff 1933-1962, as proposed to be amended by Customs Tariff Proposals, be further amended as set out in the Schedule to these Proposals and that, on and after the eighth day of November, One thousand nine hundred and sixty-two, Duties of Customs be collected accordingly.

2. That in these Proposals, "Customs Tariff Proposals" mean the Customs Tariff Proposals introduced into the House of Representatives on the following dates:

2nd October 1962;  
4th October 1962;  
11th October 1962; and  
25th October 1962.

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1/ Given Royal assent on 3 December 1962 with retroactive effect from 8 November 1962.

The Schedule

Import Duties

Tariff items	British preferential tariff	Inter-mediate tariff	General tariff
<u>Division XVI - Miscellaneous</u>			
373. By inserting after sub-item (e) a new sub-item as follows: "(f) Goods for the official use of an International Organization or for the official or personal use of an official thereof, as prescribed by Departmental By-laws	Free	Free	Free."

(Excise Tariff Amendment No. 1)

That the Schedule to the Excise Tariff 1921-1961 be amended as set out in the Schedule to these Proposals and that on and after the eighth day of November, One thousand nine hundred and sixty-two, Duties of Excise be collected in pursuance of the Excise Tariff 1921-1961 as so amended.

The Schedule

Articles	Rate of Duty
10. By inserting after sub-item (g) a new sub-item as follows: "(h) Articles which are owned (prior to clearance for home consumption) by an International Organization or an official of an International Organization and are for the official use of the Organization or for the personal or official use of that official, as the case may be, as prescribed by Departmental By-laws	Free."

(c) Statutory Rules No. 44 of 1960

Regulations under the Income Tax and Social Services  
Contribution Assessment Act 1936-1960 1/

I, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Income Tax and Social Services Contribution Assessment Act 1936-1960.

Dated this sixteenth day of June, 1960.

DUNROSSIL  
Governor-General.

By His Excellency's Command,

HAROLD HOLT  
Treasurer

Amendments of the Income Tax and Social  
Services Contribution Regulations

...

Organizations prescribed for purposes of s.23(x) and (y) 2. Regulation 4AB of the Income Tax and Social Services Contribution Regulations<sup>2/</sup> is amended -  
(a) by omitting from paragraph (m) of sub-regulation (1) the word "and"; and  
(b) by adding at the end of sub-regulation (1) the following word and paragraph:  
"; and (o) International Atomic Energy Agency."

...

Application 14. (1) The amendment made by regulation 2 of these Regulations applies for the purposes of assessments in respect of income of the year of income that commenced on the first day of July 1959, and in respect of income of subsequent years.

...

1/ Notified in the Commonwealth Gazette on 17 June 1960.

2/ 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. 6.

(d) Statutory Rules No. 112 of 1962

Regulations under the Income Tax and Social Services  
Contribution Assessment Act 1936-1962 1/

I, the Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Income Tax and Social Services Contribution Assessment Act 1936-1962.

Dated this seventh day of December, 1962.

DALLAS BROOKS  
Administrator.

By His Excellency's Command,

HAROLD HOLT  
Treasurer

---

Amendments of the Income Tax and Social  
Services Regulations

Organizations  
prescribed for  
purposes of  
section 23 (x),  
(y)

1. Regulation 4AB of the Income Tax and Social Services Contribution Regulations<sup>2/</sup> is amended -
- (a) by omitting from paragraph (n) of sub-regulation (1) the word "and";
  - (b) by adding at the end of sub-regulation (1) the following paragraphs:
    - "(p) Inter-Governmental Maritime Consultative Organization; and
    - "(q) International Development Association."; and
  - (c) by omitting sub-regulation (2) and inserting in its stead the following sub-regulation:

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<sup>1/</sup> Notified in the Commonwealth Gazette on 13 December 1962.

<sup>2/</sup> See (c) above.

"(2) For the purposes of paragraph (y) of section 23 of the Act, the organizations specified in the last preceding sub-regulation and the International Finance Corporation are prescribed, and the official salary and emoluments of an official of such an organization or the International Finance Corporation are, in accordance with that paragraph, exempt from income tax and social services contribution -

- (a) in the case of an official of the United Nations or of an official in respect of whom Australia is bound to accord the privileges and immunities accorded to diplomatic envoys in accordance with international law, to the extent that Australia is bound by an international convention or agreement to exempt from taxation his official salary and emoluments;
- (b) in the case of an official (other than one referred to in the last preceding paragraph) who is a non-resident of Australia, to the extent that the official salary and emoluments are for services rendered in Australia; and
- (c) in the case of an official (other than one referred to in paragraph (a) of this sub-regulation) who is a resident of Australia, to the extent that his official salary and emoluments are for services rendered out of Australia, and, if the official is not an Australian citizen and came to Australia solely for the purpose of performing his official duties, to the extent also that his official salary and emoluments are for services rendered in Australia."

Application of Amendments      2. The amendments made by the last preceding regulation apply in respect of income of the year of income that commenced on the first day of July 1962, and in respect of income of all subsequent years.

## 2. AUSTRIA

- (a) Ordinance of 16 January 1962 of the Federal Government further supplementing and amending the Ordinance on the granting of privileges and immunities to international organizations <sup>1/</sup>

In pursuance of article 1 of the Federal Act of 24 February 1954<sup>2/</sup> (BGBl. No. 74) on the granting of privileges and immunities to international organizations, as amended by the Federal Act of 13 February 1957 (BGBl. No. 56), it is hereby provided that:

The Ordinance of 18 January 1955<sup>3/</sup> (BGBl. No. 40) on the granting of privileges and immunities to international organizations, as amended by the Ordinance of 8 March 1960 (BGBl. No. 79), shall be supplemented and amended as follows:

1. In article 1 (1) the word "and" before the words "the International Finance Corporation" shall be replaced by a comma, and the words "and the International Organization for Standardization" shall be inserted after those words.

2. Annex II of the Appendix to the Ordinance of 28 March 1950 (BGBl. No. 248) (Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations) shall be amended in accordance with the following annex.

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<sup>1/</sup> Bundesgesetzblatt, 23 February 1962. Translation by the Secretariat of the United Nations.

<sup>2/</sup> English translation in 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. 9.

<sup>3/</sup> Ibid., vol. II (ST/LEG/SER.B/11), p. 6.

Annex II - The Food and Agriculture Organization  
of the United Nations

/Not reproduced<sup>1/</sup>

- (b) Ordinance of 2 October 1962 of the Federal Government  
further supplementing the Ordinance on the granting  
of privileges and immunities to international  
organizations <sup>2/</sup>

In pursuance of article 1 of the Federal Act of 24 February 1954<sup>3/</sup>  
(BGBI. No. 74) on the granting of privileges and immunities to international  
organizations, as amended by the Federal Act of 13 February 1957 (BGBI. No. 56),  
it is hereby provided that:

The Ordinance of 18 January 1955 (BGBI. No. 40) on the granting of privileges  
and immunities to international organizations, as amended by the Ordinance of  
16 January 1962<sup>4/</sup> (BGBI. No. 50), shall be supplemented as follows:

1. In article 1 (1) there shall be inserted, after the words "International  
Finance Corporation", a comma followed by the words "the International Development  
Association".

2. The following annex XIV shall be added to the Appendix (Convention on  
the Privileges and Immunities of the Specialized Agencies of the United Nations):

Annex XIV - International Development Association

/Not reproduced<sup>5/</sup>

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<sup>1/</sup> See ibid., p. 113.

<sup>2/</sup> Bundesgesetzblatt, 21 November 1962. Translation by the Secretariat of  
the United Nations.

<sup>3/</sup> See note 2 above.

<sup>4/</sup> See (a) above.

<sup>5/</sup> See United Nations, Treaty Series, vol. 423, p. 284.

3. CANADA

- (a) Province of Quebec Order in Council No. 492 of 23 March 1962  
concerning certain fiscal concessions to non-Canadian  
representatives to the International Civil Aviation  
Organization 1/

Executive Council Chamber

Present:

The Lieutenant Governor in Council

Whereas representations have been made with a view to the granting of fiscal concessions to representatives of foreign countries to the International Civil Aviation Organization;

Whereas it is expedient to accede to such representations.

Therefore it is ordered, on the recommendation of the Minister of Revenue:

I - That the International Civil Aviation Organization (ICAO), the President of the Council, the Secretary General and the five directors of the Organization, as well as the official representatives of each of the nations belonging to that body, provided that they are career officers not under the jurisdiction of Canada and of the Province and that they do not carry on any business or hold any office or employment in the Province other than their duties as representatives to the Organization of the nations to which they belong, be granted the fiscal concessions hereinafter enumerated, provided that the countries which such officers represent allow similar privileges to representatives of the Province to such countries:

1. Exemption from Income Tax in conformity with sections 12 and 78 of the Provincial Income Tax Act;
2. Exemption from the duties imposable under the Quebec Succession Duties Act on any transmission of property situated in the Province and acquired during or in the course of their residence in Quebec

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1/ Unofficial translation kindly furnished by the Permanent Mission of Canada to the United Nations.

while fulfilling the functions hereinabove mentioned. The Government of Quebec will make no opposition to the repatriation of the property so exempted if the death of such person occurs while he is fulfilling the functions mentioned in the first paragraph, or within two years after the death;

3. Exemption from the tax payable under the Gasoline Act, by way of reimbursement and according to the procedure to be established by the Department of Revenue;
4. Exemption from the tax payable under the Retail Sales Tax Act, by way of reimbursement and according to the procedure to be established by the Department of Revenue;
5. Exemption from payment of fees for the registration of a pleasure vehicle exigible under the Highway Code, in accordance with the procedure to be established by the Department of Transportation and Communications respecting the issue of registration markers and payment of the cost thereof.

II - That the foregoing articles 1 and 2 shall apply also to the international functionaries of ICAO provided that they are persons not under the jurisdiction of Canada and of the Province, and that such persons do not carry on any business or hold any office or employment in the Province other than their employment as functionaries of the Organization.

III - That the penultimate paragraph of Order in Council Number 2012 of the 28th of September 1961 be repealed.

The above-mentioned exemptions will be granted from the passing of this Order in Council, except as regards the exemption from payment of the tax under the Retail Sales Tax Act which shall have retroactive effect to the first of April 1961.

(b) An Act<sup>1/</sup> to amend the Estate Tax Act

...

5. (1) Subsection (2) of section 35 of the said Act<sup>2/</sup> is repealed and the following substituted therefor:

"(2) Notwithstanding subsection (1), there may be deducted in computing the aggregate value of the property taxable on the death of any person

...

(b) the value of any property acquired by that person during his lifetime for or incident to residence in Canada as an officer or servant of an organization as defined for the purposes of section 3 of the Privileges and Immunities (United Nations) Act,<sup>3/</sup> whose duties required him to reside in Canada, if that person, at the time of his death, continued to be required by his duties as such officer or servant to reside in Canada."

(2) This section is applicable in the case of the death of any person whose death occurred after 1958.

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<sup>1/</sup> 11 Elizabeth II, chap. 5. Assented to on 29 November 1962.

<sup>2/</sup> Estate Tax Act (1958), 7 Elizabeth II, chap. 29.

<sup>3/</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.

4. FINLAND

Decree<sup>1/</sup> No. 45 of 30 November 1962 on the bringing into  
force of Annex XIV of the Convention on the Privileges  
and Immunities of the Specialized Agencies

It is decreed on the proposal of the Minister for Foreign Affairs:

Article 1

The Executive Directors of the International Development Association (Treaty Series of Finland No. 2-3/1961) having on 13 February 1962 approved Annex XIV<sup>2/</sup> to the Convention on the Privileges and Immunities of the Specialized Agencies<sup>3/</sup> (Treaty Series of Finland No. 23-24/1958) and the President of the Republic having approved it on 12 October 1962, about which a communication from the Government of Finland was received by the Secretary-General of the United Nations on 16 November 1962, the Annex is in force, as agreed.

Article 2

The stipulations in articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies shall be applied to the Executive Directors, Alternate Directors, officers and staff of the International Development Association.

Helsinki, 30 November 1962

The President of the Republic

Urho KEKKONEN

The Minister for Foreign Affairs:

V. MERIKOSKI

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<sup>1/</sup> Translation kindly furnished by the Permanent Representative of Finland to the United Nations.

<sup>2/</sup> United Nations, Treaty Series, vol. 423, p. 284.

<sup>3/</sup> Ibid., vol. 33, p. 261.

5. GERMANY (FEDERAL REPUBLIC OF)

- (a) Order<sup>1/</sup> concerning Travel Documents in lieu of Passport, and Exemption from Passport and Visa Requirements (Passport Order)  
(as amended on 15 February 1962)

Article 1

1. The following documents shall be acceptable in lieu of a passport for passage of the frontier (article 1 of the Passport Act) and sojourn (article 2 of the Passport Act) by aliens in the territory in which this Order is applicable:

...

- (9) The laissez-passer issued by the United Nations;

...

- (b) Order<sup>2/</sup> of 26 July 1962 concerning the granting of Privileges and Immunities to the United Nations and to Participants in the United Nations Technical Conference on the International Map of the World in Bonn in August 1962

In pursuance of article 3 of the Act<sup>3/</sup> of 22 June 1954 concerning accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations dated 21 November 1947, and concerning the granting of privileges and immunities to other international organizations (Bundesgesetzblatt, part II, p. 639), as amended by the Act<sup>4/</sup> of 3 June 1957 (Bundesgesetzblatt, part II, p. 469), the Federal Government, with the approval of the Federal Council (Bundesrat), hereby orders as follows:

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- 1/ Bundesgesetzblatt, 1962, part I, No. 6, p. 73. Translation by the Secretariat of the United Nations.
- 2/ Bundesgesetzblatt, 1962, part II, No. 21, p. 876. Translation by the Secretariat of the United Nations. See also chapter II, section A 2 (e) below.
- 3/ United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. II (ST/LEG/SER.B/11), p. 25.
- 4/ Ibid., p. 26.

Article 1

1. The provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations<sup>1/</sup> shall be applicable during the United Nations Technical Conference on the International Map of the World on the millionth scale, including time spent in travel to and from the Conference, in respect of:

- (a) The United Nations and its officials;
- (b) Representatives, alternates, advisers, technical experts and secretaries of delegations of States Members or not Members of the United Nations invited to attend the Conference, including those participating as observers;
- (c) Representatives of the specialized agencies of the United Nations and other official international organizations, including those participating as observers.

2. The provisions of paragraph (1) shall apply also to the immediate families of the aforesaid persons.

Article 2

1. The privileges and immunities enjoyed by diplomatic agencies and accredited diplomatic representatives in the Federal Republic of Germany shall during the Conference and the time spent in travel to and from the Conference be extended to the United Nations, the Secretary-General and the secretaries of the United Nations, the executive secretary of the Conference and to representatives and observers of States Members and not Members of the United Nations invited to participate in the Conference.

2. Paragraph 1 shall apply also to the immediate families of the aforesaid persons.

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<sup>1/</sup> United Nations, Treaty Series, vol. 33, p. 261.

Article 3

Observers of Specialized Agencies and other international organizations invited by the United Nations to attend the Conference, and their immediate families, shall enjoy the same privileges and immunities as United Nations officials in comparable positions.

Article 4

This Order shall be applicable in the Land Berlin, in accordance with article 14 of the Third Transfer Act of 4 January 1952 (Bundesgesetzblatt, part I, p. 1) in conjunction with article 4 of the Act of 22 June 1954 on accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, 21 November 1947, and on the granting of Privileges and Immunities to other international organizations, as amended by the Act of 3 June 1957.

Article 5

This Order shall come into effect on 1 June 1962.

Bonn, 26 July 1962.

Ludwig Erhard, Vice-Chancellor of the Federal Republic  
Dr. Schröder, Federal Minister of Foreign Affairs

6. GHANA

The Diplomatic Immunities Act, 1962

An Act<sup>1/</sup> to enable effect to be given to the Vienna Convention on Diplomatic Relations signed in Vienna on the eighteenth day of April, one thousand nine hundred and sixty-one, and for purposes connected therewith.

...

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1/ No. 148.

Whereas a Convention entitled the Vienna Convention on Diplomatic Relations the fact of which is set out in the Schedule to this Act, and is in this Act referred to as "the Vienna Convention" was signed on behalf of the Government of Ghana in Vienna 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 Ghana:

And Whereas it is intended that the Vienna Convention shall replace the Diplomatic Privileges Ordinance 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 this present Parliament assembled as follows:

Articles to  
have force  
of law

1. Articles 22, 23, 24, and 27 to 40 of the Vienna Convention (which regulate the immunities and privileges, including exemption from taxation, freedom of communication, inviolability of premises and immunity from civil and criminal jurisdiction, to be conferred upon diplomatic agents) shall have the force of law and references therein to the receiving State shall, for this purpose, be construed as references to the Republic.

International  
Organizations

2. The President may, by legislative 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.

Repeals

3. (1) The Diplomatic Privileges Ordinance (Cap. 268)<sup>1/</sup> and the Diplomatic Immunities (Commonwealth Countries) Ordinance, 1957 (No. 22) are repealed.

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

Commencement

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

7. ISRAEL

Note of 29 July 1963 received from the Permanent Mission  
of Israel to the United Nations

...

The Customs Tariffs and Exemptions (Exchange of Supplement) (Temporary Provisions) Order, 5723-1962 (published in Kovetz Hatakanot, No. 1393 of 6 December 1962, p. 306 et seq.) exempts from customs "goods imported by any body of the United Nations Organization if such goods are imported for its purposes" (p.663).

...

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<sup>1/</sup> United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. 1 (ST/LEG/SER.B/10), p. 35.

## 8. JAMAICA

### The Bretton Woods Agreements Act, 1962

An Act<sup>1/</sup> to Provide for the acceptance by the Government of the Agreements for the International Monetary Fund<sup>2/</sup> and the International Bank for Reconstruction and Development<sup>3/</sup> and to provide for matters related thereto

(29th November, 1962)

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 Jamaica, and by the authority of the same, as follows:

...

Status immunities  
and privileges of  
the Fund and  
the Bank

5. The provisions of:

- (a) sections 2, 3, 4, 5, 6, 7, 8 and 9 of Article IX of the Fund Agreement;
- (b) sections 2, 3, 4, 5, 6, 7, 8 and 9 of Article VII of the Bank Agreement; and
- (c) the first sentence of paragraph (b) of section 2 of Article VIII of the Fund Agreement,

shall have the force of law in the Island, subject to the proviso that nothing in section 9 of Article IX of the Fund Agreement or in section 9 of Article VII of the Bank Agreement shall be construed:

- (i) as entitling the Fund or the Bank to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;
- (ii) as conferring on the Fund or the Bank any exemption from duties or taxes which form part of the price of goods sold;  
or
- (iii) as conferring on the Fund or the Bank any exemption from taxes or duties which are in fact no more than charges for services rendered.

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1/ No. 1 of 1962.

2/ United Nations, Treaty Series, vol. 2, p. 40.

3/ Ibid., p. 134.

## 9. JAPAN

Note of 7 August 1963 received from the Chargé d'Affaires a. i.  
of Japan to the United Nations

...

(a) The Income Tax Law (Law No. 27 of 1947) was partly amended by Law No. 44 of 1962 (effective on 1 April 1962). A new sub-paragraph (17) was added to Article 6, which reads as follows:

### Article 6

The following incomes shall be exempt from the income tax:

(1) - (16) [Omitted]

(17) Salaries, wages, annual payments, bonus, and other similar emoluments received by a person, by reason of his service, who is serving for a foreign government or a foreign local public entity, or an international organization as prescribed by Order, and who meets the requirements as prescribed by Order.

[Proviso omitted]

(b) The Income Tax Regulation (Imperial Ordinance No. 110 of 1947) was partly amended by Cabinet Order No. 94 of 1962 (effective on 1 April 1962).

New articles 4 (9) and 4 (10) were added which read as follows:

### Article 4 (9)

The international organization provided for in article 6, sub-paragraph (17), of the Income Tax Law to be prescribed by Order shall be an organization established under an international agreement (hereinafter referred to as "an international organization" in article 4 (10)) to which Japan is a member State or which is composed of States, and which is designated by the Minister of Finance.

The Minister of Finance shall, upon designation mentioned in the preceding paragraph, notify the designation.

/...

Article 4 (10)

The requirements for a person who is serving for a foreign government or a foreign local public entity or an international organization provided for in article 6, sub-paragraph (17), of the Income Tax Law to be prescribed by Order shall be as follows (Sub-paragraph (2) shall not apply to a person who is serving for such international organization):

(1) The person is neither a Japanese national nor a permanent resident of Japan.

(2) [Omitted]

(c) Notification of the Ministry of Finance No. 92 of 1962 (International organizations whose personnel are exempted from the income tax on their emoluments under the provisions of article 4 (9) of the Income Tax Regulation).

In pursuance of the provisions of article 4 (9) of the Income Tax Regulation (Imperial Ordinance No. 110 of 1947), the Minister of Finance hereby designates as follows the international organizations whose personnel are exempted from the income tax on their emoluments, and this designation shall be made effective on 1 April 1962 and shall apply to the income tax for the same year and thereafter:

- (1) The United Nations;
- (2) The International Atomic Energy Agency;
- (3) The International Labour Organisation;
- (4) The Food and Agriculture Organization of the United Nations;
- (5) The World Health Organization;
- (6) The International Bank for Reconstruction and Development;
- (7) The International Development Association;
- (8) The International Finance Corporation;
- (9) The International Monetary Fund;
- (10) The United Nations Educational, Scientific and Cultural Organization;
- (11) The International Civil Aviation Organization;
- (12) The Universal Postal Union;
- (13) The International Telecommunication Union;
- (14) The World Meteorological Organization;
- (15) The Inter-Governmental Maritime Consultative Organization;
- (16) The Asian Productivity Organization.

## 10. KUWAIT

Note of 18 March 1963 received from the Ministry of Foreign  
Affairs of the State of Kuwait

The Ministry of Foreign Affairs of the State of Kuwait ...  
has the honour to state that there exist in Kuwait, at present, no regulations  
or laws relating to the legal status or privileges and immunities of the  
United Nations, its specialized agencies or the International Atomic Energy  
Agency.

As regards the legal status or privileges and immunities of the United  
Nations and its specialized agencies in Kuwait, the State of Kuwait is guided  
by, and applies, the general principles of international law.

...

## 11. NETHERLANDS

Letter<sup>1/</sup> dated 29 June 1962 from the State Secretary of Finance  
to the Commissioners of Taxes concerning the levying of taxes  
from officials and experts of the United Nations and its  
Specialized Agencies

Sirs,

The following information supersedes that contained in my notifications  
No. 135 of 18 June 1952 and No. 3 of 15 December 1954.

### 1. United Nations officials

By virtue of article V, section 18 of the Convention on the Privileges  
and Immunities of the United Nations of 13 February 1946,<sup>2/</sup> United Nations  
officials are exempt from taxation on the salaries and emoluments paid to them  
by the United Nations.

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<sup>1/</sup> Translation kindly furnished by the Permanent Representative of the  
Netherlands to the United Nations.

<sup>2/</sup> United Nations, Treaty Series, vol. 1, p. 15.

Resolution 76 (I) of the General Assembly of the United Nations extended the scope of the above-mentioned regulation to cover all staff members, meaning all members of the staff of the United Nations excepting those recruited locally and paid by the hour.

2. Officials of the specialized agencies of the United Nations

In pursuance of article VI, section 19, of the Convention on the Privileges and Immunities of the Specialized Agencies,<sup>1/</sup> as endorsed on the one hand by the General Assembly on 21 November 1947 and on the other by the specialized agencies on various other occasions, the policy mentioned under 1 is also adhered to with regard to the staff of the specialized agencies of the United Nations.

3. Experts of the United Nations and of the specialized agencies of the United Nations

Neither of the Conventions mentioned in 1 and 2 provides for exemption from taxation on the salaries and emoluments of experts.

Nevertheless, in the "Circular Note to Governments 46.1951 Treaties" of 9 May 1951, it was stipulated that technical assistance experts be put on the same footing as staff members, thus implying that they also fall within the scope of the above-mentioned regulations. But technical assistance experts engaged for a period of not more than 90 days at a salary of not more than \$250 per month are not regarded as staff members in this connexion.

4. Other persons performing missions for the United Nations

Besides the above-mentioned general categories, the United Nations sometimes entrust certain persons with a specific mission, for instance when

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<sup>1/</sup> United Nations, Treaty Series, vol. 33, p. 261.

a professor is engaged to undertake a specific study without interrupting his normal work. In such cases a special service agreement is concluded between the United Nations and the person concerned. ... Such persons are not regarded as staff members and consequently they cannot claim exemption from taxation on the remuneration received.

5. Application of the exemption from income tax on salaries and emoluments

In the event of an official or an expert in the meaning of the above being exempt from income tax on his salary and emoluments, that salary and those emoluments shall be disregarded when calculating the amount of income tax payable.

For the State Secretary for Finance,  
(Signed) C.P. Tuk  
Director-General of Fiscal Affairs.

12. NIGERIA

Diplomatic Immunities and Privileges Act, 1962

An Act<sup>1/</sup> to consolidate and amend certain enactments relating to diplomatic immunities and privileges.

Commencement

[27 December 1962]

Be it Enacted by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:

...

Part II. Immunities and Privileges of International Organizations and Persons Connected Therewith

Immunities,  
etc., of  
certain  
international  
organizations,  
etc.

11. (1) This section shall apply to any organization declared by the Minister by Order to be an organization the members of which are sovereign Powers (whether foreign sovereign Powers or Commonwealth countries) or the Government or Governments thereof.

<sup>1/</sup> No. 42 of 1962.

(2) The Minister may from time to time by Order in the Gazette:

(a) provide that any organization to which this section applies (hereinafter referred to as "the organization") shall, to such extent as may be specified in the Order, have the immunities, and privileges set out in the First Schedule to this Act, and shall also have the legal capacities of a body corporate:

First  
Schedule

(b) confer upon:

- (i) any persons who are representatives (whether of Governments or not) on any organ of the organization or at any conference convened by the organization or of any organ thereof;
- (ii) such officers or classes of officers of the organization as are specified in the Order, being holders of such high offices in the organization as are so specified;
- (iii) such persons employed on missions on behalf of the organization as are specified in the Order, to such extent as are specified in the Order, the immunities and privileges specified in the Second Schedule to this Act.

Second  
Schedule

(c) confer upon such other classes of officers and servants of the organization as specified in the Order, the immunities and privileges specified in the Third Schedule to this Act to such extent as are so specified - and the Fourth Schedule to this Act 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) of this subsection and to the families of officers of the organization any immunities and privileges conferred on the representatives, members, or officers under that paragraph, except in so far as the operation of the

Third  
Schedule

Fourth  
Schedule

said Fourth Schedule is excluded by the Order conferring the immunities and privileges.

(3) Nothing in this section shall authorize the making of any Order to confer immunity or privilege upon any person as the representative of the Government of Nigeria or as a member of the staff of such a representative.

(4) For the avoidance of doubt, the Notices and Orders in Council in the Fifth Schedule to this Act made or issued under the authority of any Act repealed by this Act shall, with all necessary modifications, be deemed to have been made by the Minister as Orders under this section; and such Notices and Orders in Council shall have effect accordingly but may at any time be amended, revoked or replaced by the Minister.

Fifth  
Schedule

Power to  
confer  
immunity on  
certain  
persons

12. The Minister may from time to time, by Order in the Gazette confer on the judges and registers of the International Court of Justice established by the Charter of the United Nations, 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.

Extent of  
privileges

13. The powers conferred on the Minister by sections eleven and twelve of this Act to grant certain immunities shall be deemed to include the power to exempt:

Cap 191

- (a) from stamp duty under the Stamp Duties Act and from the fee or duty (if any) chargeable under any other Act, any instrument or class of instruments to which any organization or person to which or to whom either of those sections applies is a party;
- (b) from any duty chargeable under the law relating to customs or excise any goods belonging to or acquired by any such organization or person.

Immunities  
and  
privileges  
of  
representatives  
attending  
international  
conferences

14. Where -

(a) a conference is held in Nigeria and is attended by representatives of the Government or Governments of one or more foreign sovereign Powers; and

(b) it appears to the Minister that doubts may arise as to the extent to which the representatives of those Governments (other than the Federal or any Regional Government of Nigeria) and members of their official staffs are entitled to immunities and privileges,

the Minister may, by notice in the Gazette, direct that every representative of any such Government (other than the Federal or any Regional Government of Nigeria) shall, for the purpose of any enactment or rule of law or custom relating to the immunities and privileges of a foreign envoy, be treated as if he were a foreign envoy, and that such of the members of his official staff as the Minister may from time to time direct shall be treated for the purpose aforesaid as if they were members of the official staff of a foreign envoy.

Organizations  
and persons may  
waive immunity

15. Any organization or person may waive any immunity, inviolability or privileges conferred on it or him under this Part of this Act.

Reciprocal  
treatment

16. Nothing in this Part of this Act shall be construed to preclude the Minister from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from nationals or representatives of any Government or sovereign Power on the ground that that Government or Power is failing to accord corresponding immunities or privileges to Nigerian nationals or representatives.

Part III. Miscellaneous and Supplemental

...

Certificate  
of Minister

18. If in any proceedings any question arises whether or not any organization or any person is entitled to immunity from suit and legal process under any provision of this Act or of any regulations made under this Act, a certificate issued by the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

...

Interpretation

22. (1) In this Act unless the context otherwise requires -

...

"member of the family" in relation to any person to whom this Act applies, means the spouse or any child of that person;

"Minister" means the Minister charged with responsibility for foreign affairs and Commonwealth relations;

"personal immunities" means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and includes inviolability of residence and appearance before any court or other tribunal as a witness;

"residence" ... in relation to any person accorded personal immunities under Part II of this Act, means any house or other premises for the time being occupied by that person, and however acquired.

...

Schedules

First Schedule

Section 11 (2) (a)

Immunities and Privileges of International Organizations

1. Immunity from suit and legal process.

2. The like inviolability of residence and official archives as is accorded in respect of the residence and official archives of a foreign envoy.

/...

3. The like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign country.
4. Exemption from taxes on the importation of goods directly imported by the organization for its official use in Nigeria or for exportation, or on the importation of any publications of the organization directly imported by it, subject to compliance with such conditions as the Federal Minister charged with responsibility for finance may prescribe for the protection of the revenue.
5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and in the case of any publications of the organization directly imported or exported by it, subject to compliance with such conditions as the Federal Minister charged with responsibility for health may prescribe for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.
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 Nigeria), of any reduced rates applicable for the corresponding service in the case of press telegrams.

Second Schedule

Section 11 (2)(b)

Immunities and Privileges of Representatives, Members of Committees,  
Senior Officers, and Persons on Missions

1. The like immunity from suit and legal process as is accorded to a foreign envoy.
2. The like inviolability of residence and official archives as is accorded to a foreign envoy.
3. The like exemption from taxes and rates as is accorded to a foreign envoy.

/...

Third Schedule

Section 11 (2)(c)

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 taxes in respect of emoluments received as an officer or servant of the organization.
3. Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in Nigeria, that exemption to be subject to compliance with such conditions as the Federal Minister of Finance may prescribe for the protection of the revenue.

Fourth Schedule

Section 11 (2)

Immunities and Privileges of Official Staffs and of Senior Officers' Families

1. Where any person is entitled to any such immunities and privileges as are mentioned in the Second Schedule to this Act as the representative on any organ of the organization or a member of any committee of the organization 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 members of the official staff of a foreign envoy are entitled to the immunities and privileges accorded to that envoy.
2. Where any person is entitled to any such immunities and privileges as are mentioned in the Second Schedule to this Act as an officer of the organization, the members of the family of that person shall also be entitled to those immunities and privileges to the same extent as the members of the family of a foreign envoy are entitled to the immunities and privileges accorded to that envoy.

Fifth Schedule

Section 11 (4)

Notices and Orders in Council Continued in Operation

Cf Vol. VII  
p. 222 Laws  
of Nigeria,  
etc., 1958

- (a) the Diplomatic Privileges (United Nations) Declaration of Application Notice published as Public Notice 122 of 1948;
- (b) the Diplomatic Privileges (Specialized Agencies) Declaration of Application Notice published as Public Notice 150 of 1949;
- (c) the Diplomatic Privileges (UNICEF) Declaration of Application Notice published as L.N. 122 of 1955;
- (d) the Diplomatic Privileges (United Nations and International Court of Justice) Order published as Order in Council 27 of 1948;
- (e) the Diplomatic Privileges (Food and Agriculture Organization) Order published as Order in Council 31 of 1949;
- (f) the Diplomatic Privileges (United Nations Educational, Scientific, and Cultural Organization) Order published as Order in Council 32 of 1949;
- (g) the Diplomatic Privileges (International Refugee Organization) Order published as Order in Council 33 of 1949;
- (h) the Diplomatic Privileges (World Health Organization) Order published as Order in Council 34 of 1949 and thereafter amended by L.N. 71 of 1956;
- (i) the Diplomatic Privileges (International Civil Aviation Organization) Order published as Order in Council 35 of 1949 and thereafter amended by L.N. 72 of 1956;
- (j) the Diplomatic Privileges (International Labour Organisation) Order published as Order in Council 36 of 1949;

/...

- (k) the Diplomatic Privileges (World Meteorological Organization) Order published as L.N. 68 of 1956;
- (l) the Diplomatic Privileges (Universal Postal Union) Order published as L.N. 69 of 1956;
- (m) the Diplomatic Privileges (International Telecommunication Union) Order published as L.N. 70 of 1956.

### 13. SIERRA LEONE

#### (a) International Organizations (Names and Emblems) Act, 1962

An Act<sup>1/</sup> to prevent the unauthorized use of certain international symbols.

Date of  
Commencement

[22 November 1962]

Be It Enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:

...

Definition

2. In this Act "the Minister" means the Minister charged with the responsibility for External Affairs.

Penalty for  
unauthorized  
use of names  
or emblems of  
organizations  
set out in the  
Schedule

3. If any person, without the consent of the Minister or of the organization concerned, uses, in connexion with any trade, business, calling or profession -

- (i) the name; or
- (ii) the abbreviation of the name; or
- (iii) the official emblem,

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<sup>1/</sup> No. 49 of 1962.

The Schedule

Power to vary  
Schedule

of any international organization as the same is set out and described in the Schedule (or any name, abbreviation of name, or emblem so closely resembling that of any such organization as to be calculated to deceive) in such a manner as to be calculated to lead to the belief that he is duly authorized so to use such name, abbreviation, or emblem, he shall be guilty of an offence against this section and liable on summary conviction to a fine not exceeding fifty pounds.

4. The Minister may, by Order, add to, vary or revoke the whole or any part of the Schedule.

Schedule

(Section 3)		
(i)	(ii)	(iii)
<u>Name of Organization</u>	<u>Abbreviation</u>	<u>Official Emblem</u>
1. World Health Organization	WHO	The symbol of the United Nations Organization surmounted by an Aesculapian staff and serpent.

Passed in the House of Representatives this 1st day of August, in the year of our Lord one thousand nine hundred and sixty-two.

J.W.E. Davies  
Acting Clerk of the House  
of Representatives

(b) International Financial Organizations Act, 1962

An Act<sup>1/</sup> to enable Sierra Leone to become a Member of the International Monetary Fund, the International Bank for Reconstruction and Development, the International Finance Corporation and the International Development Association.

Date of  
Commencement

[23 August 1962]

Enactment

...  
Now Therefore, Be It Enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Representatives in this present Parliament assembled and by the authority of the same, as follows:

Status and  
immunities of  
organizations

...  
5. (1) The Juridical personality of the Fund, the Bank, the Corporation and the Association is recognized by Sierra Leone and in particular the capacity to contract, to acquire and dispose of immovable and movable property, and to institute legal proceedings. The provision regarding judicial process contained in section 3 of Article IX of the Fund Agreement,<sup>1/</sup> in section 3 of Article VII of the Bank Agreement,<sup>2/</sup> in section 3 of Article VI of the Corporation Agreement<sup>3/</sup> and in section 3 of Article VIII of the Association Agreement respectively, shall have the force of law in Sierra Leone.

(2) Without prejudice to the powers conferred by section 11 of the Diplomatic Immunities and Privileges Act, 1961, the Governor-General shall by Order make such provisions as are necessary for carrying into effect any of the provisions of the Fund Agreement, the Bank Agreement, the Corporation Agreement and the Association Agreement, relating to the status, immunities and privileges of the Fund, the Bank, the Corporation and the Association and their respective governors, executive directors, directors, alternates, officers and employees, or any of the provisions of the Fund Agreement as to the unenforceability of exchange contracts.

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1/ United Nations, Treaty Series, vol. 2, p. 40.

2/ Ibid., p. 134.

3/ Ibid., vol. 264, p. 117.

/...

Passed in the House of Representatives this 1st day of August in the year of our Lord one thousand nine hundred and sixty-two.

J.W.E. Davies  
Acting Clerk of the House  
of Representatives

14. SWEDEN

Act<sup>1/</sup> of 28 June 1962 on privileges granted certain  
international organizations, etc.

Section 1

Notwithstanding what may have been provided for elsewhere by law or special regulations, the following international organizations shall enjoy immunity and privileges in accordance with what is prescribed in conventions or agreements which Sweden has acceded to:

1. The United Nations;
2. The specialized agencies of the United Nations;
3. The Council of Europe;
4. The Customs Co-operation Council;
5. The International Atomic Energy Agency;
6. The European Free Trade Association;
7. The Organization for Economic Co-operation and Development.

What is stated above shall also apply to the International Court of Justice and to the European Court of Human Rights.

Section 2

The following persons are likewise entitled to the privileges referred to in section 1:

1. The representatives of members of the organizations mentioned in section 1, first paragraph, and persons employed by or engaged by these organizations;
2. The members and the staff of the International Court of Justice and those who otherwise participate in the proceedings of the Court;

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1/ Translation kindly furnished by the Permanent Representative of Sweden to the United Nations.

3. The members of the European Commission of Human Rights;
4. The members of the European Court of Human Rights as well as the Secretary-General and the Assistant Secretary-General of the Court.

### Section 3

The King in Council may issue further regulations as to the application of this law.

## 15. SWITZERLAND

Federal Act<sup>1/</sup> of 15 December 1961 concerning protection of the names and emblems of the United Nations and other intergovernmental organizations

### Article 1

1. No person shall, except with the express consent of the Secretary-General of the United Nations, use any of the following signs which belong to the United Nations and of which Switzerland shall have been notified:

- (a) The name of the Organization (in any language);
- (b) Its initials (in the official languages of Switzerland or in English);
- (c) Its armorial bearings, flags or other emblems.

2. Imitations of the signs referred to in paragraph 1 are likewise prohibited.

### Article 2

1. No person shall use any of the following signs communicated to Switzerland through the International Bureau for the Protection of Industrial Property and belonging to the specialized agencies of the United Nations or to other intergovernmental organizations associated with the United Nations:

- (a) The names of such organizations (in the official languages of Switzerland or in English);
- (b) Their initials (in the official languages of Switzerland or in English);
- (c) Their armorial bearings, flags or other emblems.

2. Imitations of the signs referred to in paragraph 1 are likewise prohibited.

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<sup>1/</sup> Came into force on 1 June 1962. Translation from French by the Secretariat of the United Nations.

### Article 3

1. No person shall use any of the following signs, communicated to Switzerland through the International Bureau and belonging to other intergovernmental organizations of which one or more countries of the Paris Union for the protection of industrial property are members:

- (a) The name of such organizations (in the official languages of Switzerland or in English);
- (b) Their initials (in the official languages of Switzerland or in English);
- (c) Their armorial bearings, flags or other emblems.

2. Imitations of the signs referred to in paragraph 1 are likewise prohibited.

### Article 4

1. The names and initials, and a reproduction of the armorial bearings, flags and other emblems, of those intergovernmental organizations referred to in articles 1, 2 and 3 which are protected by this Act shall be published in the Feuille fédérale.

2. Protection shall become effective for each organization on the date of publication of the notice relating to it.

### Article 5

Subject to the provisions of article 11, paragraph 2, any person who, before the publication mentioned in article 4, has begun to use in good faith such names, initials, armorial bearings, flags or other protected emblems may continue to use them in the same manner provided that no detriment is thereby caused to the intergovernmental organization concerned.

### Article 6

1. Trade names the use of which is prohibited by this Act may not be entered in the commercial register.

2. Trade marks and industrial designs and models which contravene this Act shall likewise be refused registration.

#### Article 7

1. Any person who, wilfully and in breach of the provisions of this Act, uses the name, initials, armorial bearings, flag or other emblem of an intergovernmental organization to which article 1, 2 or 3 applies, or uses any other sign which is an imitation thereof, and in particular any person who displays the same on a signboard or in an advertisement, handbill or commercial document, or affixes the same to merchandise or to a package containing merchandise, or sells, exposes for sale or otherwise circulates merchandise so marked, shall be liable to imprisonment or to a fine not exceeding 10,000 francs. For a slight offence or one committed through negligence, the court shall award detention (arrêts) or a fine not exceeding 1,000 francs.
2. This provision shall not affect the more severe penalties of the special section of the Penal Code.
3. The general provisions of the Penal Code shall apply to the offences created by this Act.

#### Article 8

1. Where any of the offences created by article 7 is committed in the course of management of a corporation, private company, limited partnership or individual business, the provisions of that article shall apply to those persons who have acted or ought to have acted on behalf thereof; provided that, unless the responsible management shows that it has taken all possible steps to ensure the compliance of such persons with those provisions, the corporation, company or partnership or the proprietor of the business shall be jointly liable to pay the fine and the costs.
2. Corporations, companies, partnerships, and proprietors of individual businesses adjudged jointly liable shall have the same rights as the offenders.

#### Article 9

1. The cantons shall be responsible for the prosecution and conviction of offenders.

2. Complete copies of judgements, penal administrative orders, and orders for the dismissal of cases shall be communicated immediately without charge to the Ministère public of the Confederation for the information of the Federal Council.

#### Article 10

1. The competent authorities shall take the necessary measures of conservation, and may in particular impound merchandise and packages marked in breach of this Act.

2. Even if no person can be prosecuted or convicted, the court shall order removal of unlawful signs or, if that is impossible, the confiscation of articles marked in breach of this Act and of any instruments or devices used solely for the purpose of affixing such signs.

3. Where the court orders removal of unlawful signs, the articles shall thereafter be returned to their owners subject to payment of any fine and of the costs.

#### Article 11

1. The Federal Act of 25 March 1954 concerning protection of the emblem and name of the World Health Organization shall cease to have effect on the date when the signs previously protected by that Act are published in conformity with article 4 of this Act.

2. Any person who has used such protected signs since a date earlier than 17 July 1948 may continue to use them in the same manner provided that no detriment is thereby caused to the World Health Organization.

#### Article 12

The Federal Council shall determine the date upon which this Act shall come into force.

Berne, 15 December 1961.

16. TANGANYIKA

(a) The Bretton Woods Agreements Act, 1962

An Act 1/ to make provision with respect to Acceptance by the Government of the Agreements for the International Monetary Fund 2/ and the International Bank for Reconstruction and Development 3/ and to provide for matters related thereto

13 July 1962

. . . . .

And whereas it is expedient that Tanganyika becomes a member of the Fund and of the Bank and that provision be made for acceptance by Tanganyika of the Fund Agreement and the Bank Agreement and for carrying out the obligations of Tanganyika thereunder:

Now therefore be it enacted by the Parliament of Tanganyika:

. . . . .

4.

. . . . .

(6) The provisions of the Fund Agreement and the Bank Agreement set out in the Schedule to this Act shall have the force of law in Tanganyika:

Provided that nothing in section 9 of Article IX of the Fund Agreement or in section 9 of Article VII of the Bank Agreement shall be construed as -

- (a) entitling the Fund or the Bank to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;
- (b) conferring on the Fund or the Bank any exemption from duties or taxes which form part of the price of goods sold; or

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1/ No. 22 of 1962.

2/ United Nations, Treaty Series, vol. 2, p. 40.

3/ Ibid., p. 134.

- (c) conferring on the Fund or the Bank any exemption from taxes or duties which are in fact no more than charges for services rendered.

Schedule

Provisions of Agreements which are to have the force of law.

The Fund Agreement

[Article VIII, section 2 (b)  
Article IX, section 2-9]

The Bank Agreement

[Article VII, sections 2-9]

Passed in the National Assembly on the twenty-sixth day of June, 1962.

G.W.Y. HUCKS  
Clerk of the National Assembly

(b) The International Development Association Act, 1962

An Act<sup>1/</sup> to make provision with respect to Acceptance by the Government of an International Agreement for the Establishment and Operation of an International Development Association and to provide for matters related thereto

[13 July 1962]

. . . . .

And whereas it is expedient that Tanganyika becomes a member of the Association and that provision be made for acceptance by Tanganyika of the Agreement and for carrying out the obligations of Tanganyika thereunder:

Now therefore be it enacted by the Parliament of Tanganyika:

. . . . .

4.

. . . . .

(6) The provisions of the Agreement set out in the Schedule to this Act shall have the force of law in Tanganyika:

Provided that nothing in section 9 of Article VIII of the Agreement shall be construed as -

- (a) entitling the Association to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;
- (b) conferring on the Association any exemption from taxes or duties which form part of the price of goods sold; or
- (c) conferring on the Association any exemption from taxes or duties which are in fact no more than charges for services rendered.

Schedule

Provisions of Agreement which are to have the force of law.

International Development Association - Articles of Agreement

[Article VIII, sections 2-9]

Passed in the National Assembly on the twenty-sixth day of June, 1962.

G.W.Y. HUCKS  
Clerk of the National Assembly

(c) The International Finance Corporation Act, 1962

An Act<sup>1/</sup> to make provision with respect to Acceptance by the Government of an International Agreement for the Establishment and Operation of an International Finance Corporation and to provide for matters related thereto

[13 July 1962]

. . . . .

And whereas it is expedient that Tanganyika becomes a member of the Corporation and that provision be made for acceptance by Tanganyika of the Agreement<sup>2/</sup> and for carrying out the obligations of Tanganyika thereunder:

Now therefore be it enacted by the Parliament of Tanganyika:

. . . . .

4.

. . . . .

1/ No. 33 of 1962.

2/ United Nations, Treaty Series, vol. 264, p. 117.

(5) The provisions of the Agreement set out in the Schedule to this Act shall have the force of law in Tanganyika:

Provided that nothing in section 9 of Article VI of the Agreement shall be construed as -

- (a) entitling the Corporation to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;
- (b) conferring on the Corporation any exemption from duties or taxes which form part of the price of goods sold; or
- (c) conferring on the Corporation any exemption from taxes or duties which are in fact no more than charges for services rendered.

Schedule

Provisions of Agreement which are to have the force of law.

Articles of Agreement of the International Finance Corporation

[Article VI, sections 2-9 and 11]

Passed in the National Assembly on the twenty-sixth day of June,

G.W.Y. HUCKS  
Clerk of the National Assembly

17. THAILAND

- (a) An Act to Facilitate the Operation of the United Nations Organization and its Specialized Agencies in Thailand  
B.E. 2504 [1961] 1/

BHUMIBOL ADULYADEJ P.R.

Given on the 13th Day of December B.E. 2504 [1961]

Being the 16th year of the Present Reign

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

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1/ Government Gazette, 28 January 1962. Translation kindly furnished by the Ministry of Foreign Affairs of Thailand.

Whereas it is considered appropriate to revise the law concerning the operation of the United Nations Organization and its Specialized Agencies in Thailand;

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 to Facilitate the Operation of the United Nations Organization and its Specialized Agencies in Thailand B.E. 2504 [1961]." "

#### 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 repealed

1. An Act concerning the Operation of the United Nations Organization and its Specialized Agencies in Thailand B.E. 2498 [1955] <sup>1/</sup> and
2. An Act concerning the Operation of the United Nations Organization and its Specialized Agencies in Thailand (No. 2) B.E. 2499 [1956] <sup>1/</sup>

#### Section 4

To facilitate the operation of the United Nations Organization and its Specialized Agencies in the attainment of their aims and purposes:

1. The United Nations Organization and its organs shall be recognized juristic persons and deemed to have their domicile in Thailand.
2. The United Nations Organization and its organs, premises, property, assets and archives of the United Nations and/or its organs and representatives of

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1/ 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. 112.

Member States and officials of the United Nations and/or its organs as well as expert or other persons performing official duties for the United Nations and/or its organs during their terms of office in Thailand or their entry into Thailand to take up offices or in the performance of any function connected with the United Nations and/or its organs, shall be accorded the privileges and immunities specified in the Convention on the Privileges and Immunities adopted by the General Assembly of the United Nations on 13 March B.E. 2489 [1946] in so far as the Government has accepted the provision of the said Convention or in accordance with the Agreements concluded or to be concluded by the Government with the United Nations or its organs.

#### Section 5

To facilitate the operation in Thailand of Specialized Agencies listed in the attached Royal Decree<sup>1/</sup> issued pursuant to this Act in the attainment of their purposes:

1. Such Specialized Agencies shall be recognized juristic persons and deemed to have their domicile in Thailand.
2. Such Specialized Agencies, their premises, property, assets and archives, representatives of their members, and their officials as well as experts or other persons performing official duties for such Specialized Agencies during their terms of office in Thailand or their entry into Thailand to take up offices or in the performance of any function connected with such Specialized Agencies, shall be accorded the privileges and immunities specified in the Convention on the Privileges and Immunities of Specialized Agencies adopted by the General Assembly on 21 November B.E. 2490 [1947] in so far as the Government has accepted or will in future accept subject to the Conditions specified in the Annexes to the Convention or Supplementary Annexes or Amended Annexes, or in accordance with the Agreements concluded or to be concluded by the Government of Thailand with such Specialized Agencies.

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<sup>1/</sup> See (c) below.

Section 6

The Minister of Foreign Affairs shall be the authority in charge of the application of the Act.

Countersigned by:

Field Marshal S. Dhanarajata  
Prime Minister.

(b) An Act to Facilitate the Operation of the International Atomic Energy Agency in Thailand B.E. 2505 /1962/ 1/

In the Name of His Majesty King Bhumibol Adulyadej

SANGVAL  
Regent

Given on the 21st day of March B.E. 2505 /1962/

Being the 17th year of the Present Reign

Whereas it is fitting that there be a law concerning facilitation of the operation of the International Atomic Energy Agency in Thailand;

His Majesty the King, with the advice and consent of the Constituent Assembly acting as the Legislative Assembly, has graciously proclaimed the adoption of the following Act:

Section 1

This Act shall be called "An Act to Facilitate the Operation of the International Atomic Energy Agency in Thailand B.E. 2505 /1962/."

Section 2

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

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1/ Government Gazette, 27 March 1962. Translation kindly furnished by the Ministry of Foreign Affairs of Thailand.

### Section 3

To facilitate the operation in Thailand of the International Atomic Energy Agency in the attainment of its aims and purposes:

1. The International Atomic Energy Agency shall be a recognized juristic person and deemed to have its domicile in Thailand.
2. The International Atomic Energy Agency, its premises, property, assets and archives and representatives of members of the International Atomic Energy Agency as well as experts performing official duties for the International Atomic Energy Agency during their terms of office in Thailand or their entry into Thailand to take up offices or in the performance of any function connected with the International Atomic Energy Agency, shall be accorded the privileges and immunities of the International Atomic Energy Agency adopted by the Board of Governors of the International Atomic Energy Committee on 1 July B.E. 2502 [1959], in so far as the Government has accepted the provisions of the said Agreement or in accordance with the Agreements concluded or to be concluded by the Government with the International Atomic Energy Agency.

### Section 4

The Minister of Foreign Affairs shall be the authority in charge of the application of this Act.

Countersigned by:

Field Marshal S. Dhanarajata

Prime Minister.

(c) Royal Decree Listing Specialized Agencies  
B.E. 2504 [1961] 1/

BHUMIBOL ADULYADEJ P.R.

Given on the 24th day of December B.E. 2504 [1961]

Being the 16th year of the Present Reign

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

Whereas it is deemed proper to list Specialized Agencies ;

His Majesty the King, by virtue of the power conferred in Section 5 of the Act for the Protection of United Nations and Specialized Agencies in Thailand B.E. 2504 [1961],<sup>1/</sup> is graciously pleased to enact a Royal Decree as follows:

#### Section 1

This Royal Decree shall be called the "Royal Decree Listing Specialized Agencies B.E. 2504 [1961]".

#### Section 2

This Royal Decree shall come into force on and from the date of its publication in the Government Gazette.

#### Section 3

The following specialized agencies shall come under Section 5 of the Act for the Protection of United Nations and Specialized Agencies in Thailand B.E. 2504 [1961]:<sup>1/</sup>

1. International Labour Organisation
2. Food and Agriculture Organization of the United Nations
3. International Civil Aviation Organization
4. United Nations Educational, Scientific and Cultural Organization
5. International Monetary Fund
6. International Bank for Reconstruction and Development
7. World Health Organization

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<sup>1/</sup> See (a) above.

8. International Telecommunication Union
9. World Meteorological Organization
10. International Finance Corporation

Countersigned by:

Field Marshal S. Dhanarajata

President of the Council of Ministers