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# UNITED NATIONS JURIDICAL YEARBOOK

1963

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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## Chapter I

# LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

## 1. Australia

### INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1963

AN ACT<sup>1</sup> RELATING TO THE PRIVILEGES AND IMMUNITIES OF CERTAIN INTERNATIONAL ORGANIZATIONS AND OF PERSONS CONNECTED THEREWITH, AND FOR OTHER PURPOSES.

Be it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

1. This Act may be cited as the International Organizations (Privileges and Immunities) Act 1963.

2. (1) The International Organizations (Privileges and Immunities) Act 1948<sup>2</sup> and the International Organizations (Privileges and Immunities) Act 1960 are repealed.

(2) Subject to the next succeeding sub-section, regulations made under the Acts repealed by the last preceding sub-section and in force immediately before the commencement of this Act continue in force as if those Acts had not been repealed but regulations so continued in force may be repealed by regulations made under this Act.

(3) Where regulations are made under this Act conferring privileges or immunities upon an international organization to which this Act applies or upon a person, any regulations continued in force by the last preceding sub-section that also confer privileges or immunities upon that organization or person cease to have effect in relation to that organization or person.

3. (1) In this Act, unless the contrary intention appears:

“association” means an association or other body or group of persons, whether incorporated or not;

“envoy” means an envoy of a foreign sovereign power accredited to the Queen in Australia;

“international conference” means a conference that is attended by:

(a) A person or persons representing Australia; and

(b) A person or persons representing a country or countries other than Australia;

“international organization to which this Act applies” means an organization that is declared by the regulations to be an international organization to which this Act applies, and includes:

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<sup>1</sup> No. 50 of 1963. Assented to on 18 October 1963. Date of commencement : 15 November 1963.

<sup>2</sup> 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.

- (a) An organ of, or office within, an organization that is so declared;
- (b) A commission, council or other body established by such an organization or organ; and
- (c) A committee, or sub-committee of a committee, of such an organization, organ, commission, council or body.

(2) The privileges and immunities conferred by this Act or the regulations are privileges and immunities in relation to the operation of the laws of the Commonwealth (including Acts of the Commonwealth other than this Act) and of the States and Territories of the Commonwealth.

(3) For the purposes of this Act, a person who is, or has been during any period, a member of an organ of an international organization to which this Act applies but is not, or has not been during that period, accredited to that organ as a representative of a country shall be deemed to be, or to have been during that period, as the case may be, so accredited as a representative of the country of which he is a national.

(4) For the purposes of this Act:

- (a) An alternate or deputy of, or substitute for, a representative of a country; and
- (b) An adviser to, or expert assisting, such a representative, shall each be deemed to be a member of the official staff of the representative.

(5) References in this Act to countries shall be read as including references to the governments of countries.

(6) A reference in this Act to a Schedule by number shall be read as a reference to the Schedule to this Act so numbered.

4. This Act extends to every Territory of the Commonwealth.

5. The regulations may declare an organization:

- (a) Of which Australia and a country or countries other than Australia are members; or
  - (b) That is constituted by a person or persons representing Australia and a person or persons representing a country or countries other than Australia,
- to be an international organization to which this Act applies.

6. (1) Subject to this section, the regulations may, either without restriction or to the extent or subject to the conditions prescribed by the regulations:

- (a) Confer upon an international organization to which this Act applies:
  - (i) Juridical personality and such legal capacities as are necessary for the exercise of the powers and the performance of the functions of the organization; and
  - (ii) All or any of the privileges and immunities specified in the First Schedule;
- (b) Confer:
  - (i) Upon a person who holds, or is performing the duties of, an office prescribed by the regulations to be a high office in an international organization to which this Act applies all or any of the privileges and immunities specified in Part I of the Second Schedule; and
  - (ii) Upon a person who has ceased to hold, or perform the duties of, such an office the immunities specified in Part II of the Second Schedule;
- (c) Confer:
  - (i) Upon a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a

representative of a country other than Australia all or any of the privileges and immunities specified in Part I of the Third Schedule; and

- (ii) Upon a person who has ceased to be accredited to such an organization, or has attended such a conference, as such a representative the immunities specified in Part II of the Third Schedule;

(d) Confer:

- (i) Upon a person who holds an office in an international organization, to which this Act applies (not being an office prescribed by the regulations to be a high office) all or any of the privileges and immunities specified in Part I of the Fourth Schedule; and
- (ii) Upon a person who has ceased to hold such an office the immunities specified in Part II of the Fourth Schedule; and

(e) Confer:

- (i) Upon a person who is serving on a committee, or is participating in the work, of an international organization to which this Act applies or is performing, whether alone or jointly with other persons, a mission on behalf of such an organization all or any of the privileges and immunities specified in Part I of the Fifth Schedule; and
- (ii) Upon a person who has served on such a committee or participated in such work or has performed such a mission the immunities specified in Part II of the Fifth Schedule.

(2) Regulations made for the purposes of this section may be of general application or may relate to:

- (a) Particular international organizations to which this Act applies;
- (b) Particular offices or classes of offices;
- (c) Particular conferences, committees or missions or classes of conferences, committees or missions; or
- (d) Representatives of particular countries.

(3) Where by the regulations any privileges or immunities are conferred upon a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a representative of a country other than Australia, that person is entitled to the same privileges and immunities while travelling to a place for the purpose of presenting his credentials or of attending the conference or while returning from a place after ceasing to be so accredited or after attending the conference.

(4) Where by the regulations any privileges or immunities are conferred upon a person who is serving on a committee, or participating in the work, of an international organization to which this Act applies or is performing, whether alone or jointly with persons, a mission on behalf of such an organization, that person is entitled to the same privileges and immunities while travelling to a place for the purpose of serving on the committee or participating in that work or performing the mission or while returning from a place after serving on the committee or participating in that work or performing the mission.

(5) Subject to the next succeeding sub-section, where by the regulations or by sub-section (3) of this section any privileges or immunities are conferred upon a person who is, or has been, a person accredited to, or in attendance at an international conference convened by, an international organization to which this Act applies as a representative of a country other than Australia, a person who is, or has been during any period, a member of the official staff of the first-mentioned person is entitled, in respect of that period, to the same privileges and immunities.

(6) A person who is, or has been, a representative of a country other than Australia or a member of the official staff of such a representative during a period when he is or was an Australian citizen is not entitled under this section or the regulations to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

7. (1) Where:

- (a) An international conference is, or is to be, held in Australia or in a Territory of the Commonwealth; or
- (b) A mission is, or is to be, sent by a country other than Australia to Australia or to a Territory of the Commonwealth,

and it appears to the Governor-General that the provisions of this Act other than this section do not, or may not, apply in relation to that conference or mission but it is desirable that diplomatic privileges and immunities should be applicable in relation to that conference or mission, the regulations may declare the conference or mission, as the case may be, to be a conference or mission to which this section applies.

(2) Subject to the next succeeding sub-section, where a conference or mission has been declared by the regulations to be a conference or mission to which this section applies:

(a) A person who is, or has been, a representative of a country other than Australia at the conference or on the mission is, in respect of the period during which he is, or has been, such a representative, entitled to the privileges and immunities accorded to an envoy;

(b) A person who is, or has been, a member of the official staff of a person referred to in the last preceding paragraph during the whole or any part of the period referred to in that paragraph is entitled to the privileges and immunities accorded to a member of the retinue of an envoy in respect of that period or that part of that period, as the case may be; and

(c) In the case of an international conference—a person who is, or has been, a member of the secretariat established for the purposes of the conference is entitled to immunity from suit and from other legal process in respect of acts and things done in his capacity as such a member.

(3) A person who is, or has been, in attendance at an international conference, or engaged on a mission, to which this section applies as a representative, or as a member of the official staff of a representative, of a country other than Australia during a period when he is or was an Australian citizen, is not entitled under the last preceding sub-section to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

8. (1) Where the Minister is satisfied that persons, or members of the official staffs of persons, representing Australia at an international conference in a country would not receive in that country privileges and immunities corresponding to those conferred in Australia by this Act or the regulations upon persons, or upon members of the official staffs of persons, representing that country, the Minister may, by instrument in writing, withdraw from the representatives, or from the members of the official staffs of the representatives, of that country all or any of those privileges and immunities.

(2) The Minister shall cause any such instrument to be published in the *Gazette*.

9. The regulations may confer upon:

- (a) The judges, assessors and officials of the International Court of Justice established by the Charter of the United Nations;
- (b) Persons engaged on missions by order of that Court;
- (c) The agents, advocates and counsel of countries that are parties in cases before that Court; and

(d) Witnesses in cases before that Court,

such privileges and immunities as are required to give effect to the Statute of that Court and such privileges and immunities in respect of acts and things done in the course of the performance of their functions in connexion with the business of that Court as are required to give effect to any resolution of, or convention or agreement approved by, the General Assembly of the United Nations.

10. The regulations may make provision for or in relation to the waiver of any privileges or immunities to which an international organization or a person is entitled by virtue of this Act or the regulations.

11. (1) The Minister may give a certificate in writing certifying any fact relating to the question whether a person is, or was at any time or in respect of any period, entitled, by virtue of this Act or the regulations, to any privileges or immunities.

(2) In any proceedings, a certificate given under this section is evidence of the facts certified.

12. (1) Except with the consent in writing of the Minister, a person (including a body corporate) shall not:

(a) Use the name or an abbreviation of the name of an international organization to which this Act applies in connexion with a trade, business, profession, calling or occupation; or

(b) Use:

- (i) A seal, emblem or device that is identical with the official seal or emblem of an international organization to which this Act applies;
- (ii) A seal, emblem or device so nearly resembling the official seal or emblem of such an organization as to be capable of being mistaken for that seal or emblem; or
- (iii) A seal, emblem or device that is capable of being taken to be the official seal or emblem of such an organization.

Penalty: Fifty pounds.

(2) Where, without the consent in writing of the Minister, the name or an abbreviation of the name of an international organization to which this Act applies, or a seal, emblem or device referred to in paragraph (b) of the last preceding sub-section:

- (a) Is used as, or as part of, the name, seal or emblem of an association;
- (b) Is used as, or as part of, the name or emblem of a newspaper or magazine owned by, or published by or on behalf of, an association; or
- (c) Is used by an association in connexion with any activity of the association so as to imply that the association is in any way connected with that organization,

then:

(d) If the association is a body corporate—the association; or

(e) If the association is not a body corporate—every member of the governing body of the association,

is guilty of an offence against this section and is punishable upon conviction by a fine not exceeding fifty pounds.

(3) A person shall not be convicted of an offence against this section in respect of the use of an abbreviation of the name of an international organization to which this Act applies if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connexion with the organization, unless the prosecution proves that the use was intended to imply such a connexion.

(4) The conviction of a person of an offence under this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the first-mentioned conviction.

(5) For the purposes of this section:

- (a) Any combination of words or letters, or of both words and letters, that is capable of being understood as referring to an international organization to which this Act applies shall be deemed to be an abbreviation of the name of that organization; and
- (b) If a seal or emblem is declared by the regulations to be the official seal or emblem of an international organization to which this Act applies, that seal or emblem shall be taken to be the official seal or emblem of that organization.

(6) Proceedings under this section shall not be instituted without the consent in writing of the Attorney-General.

13. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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## THE SCHEDULES

### First Schedule

### Section 6

#### *Privileges and Immunities of International Organization*

1. Immunity of the organization, and of the property and assets of, or in the custody of, or administered by, the organization, from suit and from other legal process.
2. Inviolability of property and assets of, or in the custody of, or administered by, the organization and of premises of, or occupied by, the organization.
3. Exemption of property and assets of, or in the custody of, or administered by, the organization from restrictions and controls.
4. Inviolability of archives.
5. Exemption from currency and exchange restrictions.
6. Exemption from duties on the importation or exportation of :
  - (a) Goods imported or exported by the organization for its official use; and
  - (b) Publications of the organization imported or exported by it.
7. Exemption of the organization from the liability to pay or collect taxes other than duties on the importation or exportation of goods and of the income, property, assets and transactions of the organization from such taxes.
8. Exemption from taxes of obligations and securities issued or guaranteed by the organization and of interest and dividends on such obligations and securities.
9. Exemption from prohibitions and restrictions on the importation or exportation of:
  - (a) Goods imported or exported by the organization for its official use; and
  - (b) Publications of the organization imported or exported by it.
10. 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 despatched from places outside Australia), of any reduced rates applicable in relation to telegraphic communications by the press.

11. Absence of censorship for official correspondence and other official communications.

12. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags and to have any such couriers or bags treated as diplomatic couriers or diplomatic bags, as the case may be.

## Second Schedule

Section 6

### PART I

#### *Privileges and Immunities of High Officer of International Organization*

The like privileges and immunities (including privileges and immunities in respect of a spouse and children under the age of twenty-one years) as are accorded to an envoy.

### PART II

#### *Immunities of Former High Officer of International Organization*

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

## Third Schedule

Section 6

### PART I

#### *Privileges and Immunities of Representative accredited to, or attending Conference convened by, International Organization*

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.
3. Inviolability of papers and documents.
4. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption (including exemption of the spouse of the representative) from the application of laws relating to immigration, the registration of aliens and the obligation to perform national service.
6. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.
7. The like privileges and immunities, not being privileges and immunities of a kind referred to in any of the preceding paragraphs, as are accorded to an envoy, other than exemption from:
  - (a) Excise duties;
  - (b) Sales taxes; and
  - (c) Duties on the importation or exportation of goods not forming part of personal baggage.

### PART II

#### *Immunities of Former Representative accredited to, or attending Conference convened by, International Organization*

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.

## Fourth Schedule

Section 6

### PART I

#### *Privileges and Immunities of Officer (other than High Officer) of International Organization*

1. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.
2. Exemption from taxation on salaries and emoluments received from the organization.
3. Exemption (including exemption of a spouse and any dependent relatives) from the application of laws relating to immigration and the registration of aliens.
4. Exemption from the obligation to perform national service.
5. Exemption from currency or exchange restrictions to such extent as is accorded to an official, of comparable rank, forming part of a diplomatic mission.
6. The like repatriation facilities (including repatriation facilities for a spouse and any dependent relatives) in time of international crisis as are accorded to an envoy.
7. The right to import furniture and effects free of duties when first taking up a post in Australia and to export furniture and effects free of duties when leaving Australia on the termination of his functions.

### PART II

#### *Immunities of Former Officer (other than High Officer) of International Organization*

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

## Fifth Schedule

Section 6

### PART I

#### *Privileges and Immunities of Person serving on Committee or participating in Work of, or performing Mission on behalf of, International Organization*

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.
3. Inviolability of papers and documents.
4. The right, for the purpose of communicating with the organization, to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.
6. The like privileges and immunities in respect of personal baggage as are accorded to an envoy.

### PART II

#### *Immunities of Person who has served on Committee or participated in Work of, or performed Mission on behalf of, International Organization*

Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.

## 2. India

### NOTIFICATION EXTENDING TO THE INTERNATIONAL ATOMIC ENERGY AGENCY THE PROVISIONS OF THE SCHEDULE TO THE UNITED NATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1947

No. 680-UNI/63.  
Government of India  
Ministry of External Affairs

New Delhi, 7 November 1963

#### NOTIFICATION

In pursuance of Section 3 of the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947), the Central Government hereby declares that the provisions of the Schedule to the said Act shall apply *mutatis mutandis* to the International Atomic Energy Agency and to its representatives and officers subject to the following modifications, namely:

#### *Modifications*

In the Schedule to the said Act:

1. For the words "The United Nations" wherever they occur (except in the expression "United Nations *laissez-passer*" in Article VII), the words "The Agency" shall be substituted;

2. In Article I, Section 1 shall be re-numbered as Section 1A and before Section 1A as so re-numbered, the following Section shall be inserted namely:

*Section 1.* In this Schedule:

(i) "The Agency" means the International Atomic Energy Agency;

(ii) "Agreement" means the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;<sup>1</sup>

(iii) "meetings convened by the Agency" means meetings:

(a) Of its General Conference and of its board of Governors;

(b) Of any international conference, symposium, seminar or panel convened by it; and

(c) Of any committees of any of these bodies;

(iv) "officials of the Agency" means the Director-General and all members of the staff of the Agency except those who are locally recruited and assigned to hourly rates;

(v) "property and assets" includes property and funds in the custody of the Agency or administered by the Agency in furtherance of its statutory functions;

3. In Article II:

(1) In Section 6, for the word "Member", the words "State party to the Agreement" shall be substituted;

(2) In Section 8, for the word "Members", the words "States parties to the Agreement" shall be substituted;

4. In Article III:

(1) In Section 9, for the word "Member" where it occurs for the first time, the words "State party to the Agreement" and where it occurs for the second time, the word "State" shall be substituted;

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<sup>1</sup> United Nations, *Treaty Series*, vol. 374, p. 147.

(2) The following explanation shall be added at the end, namely:

*“Explanation.* Nothing in Section 9 or Section 10 shall be construed as precluding the adoption of appropriate security precautions to be determined by agreement between a State party to the Agreement and the Agency”;

5. In Article IV:

(1) In Section 11:

(a) For the words “Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations”, the words “Representatives of Members at meetings convened by the Agency” shall be substituted;

(b) In clause (c), the word “and” shall be inserted at the end;

(c) In clause (f):

(i) For the words “accorded to diplomatic envoys”, the words “accorded to members of comparable rank of diplomatic missions” shall be substituted;

(ii) The words “and also” shall be omitted;

(d) Clause (g) shall be omitted;

(2) In Sections 12 and 13, for the words “representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations”, the words “representatives of Members of the Agency at meetings convened by the Agency” shall be substituted;

6. In Article V:

(1) For Section 17, the following Section shall be substituted, namely:

*“Section 17.* The Agency shall from time to time make known to the Governments of all States parties to the Agreement names of the officials to whom the provisions of this Article and Article VII shall apply”;

(2) Section 18 shall be re-numbered as sub-section (1) of that Section, and

(a) In sub-section (1) as so re-numbered:

(i) For clause (c), the following clause shall be substituted, namely:

“(c) be exempt from national service obligations:

“Provided that in relation to the States of which they are nationals, such exemption shall be confined to officials of the Agency whose names have, by reason of their duties, been placed upon a list compiled by the Director General of the Agency and approved by the State concerned.

“Should other officials of the Agency be called up for national service, the State concerned shall, at the request of the Agency, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work;”

(ii) In clause (f), for the words “as diplomatic envoys”, the words “as officials of comparable rank of diplomatic missions” shall be substituted;

(b) After sub-section (1) as re-numbered, the following sub-section shall be inserted, namely:

“(2) Officials of the Agency shall, while exercising the functions of an inspector under Article XII of the Statute of the Agency or those of a project examiner under Article XI thereof, and while travelling in their official capacity en route to and from the performance of these functions, enjoy all the additional privileges and immunities set forth in Article VI of this Schedule so far as is necessary for the effective exercise of such functions”;

(3) In Section 19, for the words “the Secretary-General and all Assistant Secretaries-General”, the words “the Director-General of the Agency including any official acting on his behalf during his absence from duty and every Deputy Director-General or official of equal rank of the Agency” shall be substituted;

(4) In Section 20:

(a) For the words “The Secretary-General” where they occur for the first time, the words “The Agency” shall be substituted.

(b) For the words “in his opinion”, the words “in its opinion” shall be substituted;

(c) The last sentence commencing with the words “In the case of” and ending with the words “waive immunity” shall be omitted;

7. In Article VI:

(1) In Section 22, in clause (f), for the words “accorded to diplomatic envoys”, the words “accorded to members of comparable rank of diplomatic missions” shall be substituted;

(2) After Section 22, the following Section shall be inserted, namely:

“22 A. Nothing in clauses (c) and (d) of Section 22 shall be construed to preclude the adoption of appropriate security precautions to be determined by Agreement between a State party to the Agreement and the Agency”;

(3) In Section 23, for the words “The Secretary-General”, the words “The Agency” and for the words “in his opinion”, the words “in its opinion” shall be substituted;

8. After VI, the following Article shall be inserted, namely:

#### *“Article VI A*

##### *“ABUSES OF PRIVILEGE*

*“Section 23A.* If any State party to the Agreement considers that there has been an abuse of a privilege or immunity conferred by the Agreement, consultations shall be held between the State and the Agency to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the Agency, the question whether an abuse of a privilege or immunity has occurred shall be settled by a procedure in accordance with Section 30. If it is found that such an abuse has occurred, the State party to the Agreement affected by such abuse has the right, after notification to the Agency, to withhold from the Agency the benefits of the privilege or immunity so abused. However, the withholding of privileges or immunities must not interfere with the Agency’s principal activities or prevent the Agency from performing its principal functions.

*“Section 23B.* Representatives of Members at meetings convened by the Agency, while exercising their functions and during their journeys to and from the place of meeting, and officials of the Agency shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country, provided that:

*“(a)* Representatives of Members, or persons who are entitled to the immunities provided in Section 19, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country;

“(b) In the case of an official to whom Section 19 is not applicable, no order to leave the country shall be issued by the territorial authorities other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the Director-General of the Agency; and, if expulsion proceedings are taken against an official, the Director-General of the Agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted”;

9. In Article VII:

(1) For Section 24, the following Section shall be substituted, namely:

“Section 24. (1) Officials of the Agency shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements concluded between the Director-General of the Agency and the Secretary-General of the United Nations. The Director-General of the Agency shall notify each State party to the Agreement of the administrative arrangements so concluded.

“(2) States parties to the Agreement shall recognise and accept the United Nations *laissez-passer* issued to officials of the Agency as valid travel documents”;

(2) In section 27, for the words “The Secretary-General, Assistant Secretaries-General and Directors”, the words “The Director-General, the Deputy Directors-General and other officials of a rank not lower than head of a division of the Agency” and for the words “accorded to diplomatic envoys”, the words “accorded to officials of comparable rank of diplomatic missions” shall be substituted;

(3) Section 28 shall be omitted;

10. In Article VIII, in Section 29, in clause (b), for the words “by the Secretary-General”, the words “in accordance with Section 20 or Section 23” shall be substituted.

R. S. D. CHAWLA

*Attaché to the Government of India*

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### 3. Sweden

ACT OF 28 JUNE 1962 CONCERNING SPECIAL PRIVILEGES FOR CERTAIN INTERNATIONAL ORGANISATIONS, ETC., AS AMENDED IN 1963<sup>1</sup>

#### *Article 1*

Notwithstanding what may be otherwise stipulated by law or by special ordinances, the following international organisations shall enjoy immunity and privileges in accordance with the stipulations of any constitution or any agreement to which Sweden has adhered:

- (1) The United Nations;
- (2) The specialized agencies of the United Nations;
- (3) The Council of Europe;
- (4) The Customs Co-operation Council;

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<sup>1</sup> Unofficial translation kindly furnished by the Ministry of Foreign Affairs of Sweden.

- (5) The International Atomic Energy Agency;
- (6) The European Free Trade Association;
- (7) The Organisation for Economic Co-operation and Development;
- (8) The European Space Research Organisation.

The stipulations of the first paragraph shall also apply to the International Court of Justice and to the European Court of Human Rights.

#### *Article 2*

The following persons are likewise entitled to the privileges as set forth in article 1:

- (1) The representatives of the Members of the organisations enumerated in the first paragraph of article 1 as well as persons in the service of or persons carrying out missions for these organisations;
- (2) The Judges of the International Court of Justice and its personnel as well as those who otherwise participate in the proceedings of the Court;
- (3) The Members of the European Commission of Human Rights;
- (4) The Judges of the European Court of Human Rights as well as the Secretary-General and the Assistant Secretary-General of the Court.
- (5) The Judges of the Tribunal established by the Convention on the Establishment of a Security Control in the Field of Nuclear Energy as well as those who otherwise participate in proceedings of the Court.

#### *Article 3*

Having concluded an agreement with such an organisation as referred to in the first paragraph of Article 1, the King-in-Council may in specific cases accord immunity and privileges also to other persons than those referred to in the first paragraph of Article 2 to an extent that is required to satisfy the purposes of the organisation.

#### *Article 4*

The King-in-Council may issue further regulations for the application of this Act.

### 4. Uganda

(a) THE IMMUNITIES AND PRIVILEGES (IMMUNITY FROM LEGAL PROCESS OF OFFICERS AND SERVANTS OF INTERNATIONAL ORGANIZATIONS) ORDER, 1963<sup>1</sup>

(UNDER SECTIONS 6 (2) (b) AND 6 (2) (c) OF THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE,<sup>2</sup> 1962)

1. This Order may be cited as the Immunities and Privileges (Immunity from Legal Process of Officers and Servants of International Organisations) Order, 1963.

2. Any person who holds an office listed in the First Schedule to this Order shall have the like immunity from suit or legal process as is accorded to an envoy of a foreign sovereign

<sup>1</sup> Legal notice No 161 of 1963 (Supplement to *Uganda Gazette*, 21 June 1963, p. 332).

<sup>2</sup> No. 53.

power accredited to Uganda except in so far as such immunity is expressly waived in any particular case by the organisation in which he holds such office or by the head of such organisation, or in the case of the Secretary-General of the United Nations, by the Security Council of the United Nations.

3. All officers and servants of each international organisation listed in the Second Schedule to this Order who do not hold an office listed in the First Schedule to this Order shall have 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 except in so far as such immunity is expressly waived in any particular case by the organisation or head of the organisation of which any such officer or servant is an officer or servant.

4. In addition to the immunity granted by paragraph 3 of this Order, any person who holds an office specified in the Third Schedule to this Order shall have the like immunity from suit or legal process as is accorded to an envoy of a foreign sovereign power accredited to Uganda except in so far as the Minister expressly withdraws such immunity in any particular case.

5. All persons employed on missions on behalf of the United Nations, other than persons employed as experts for the purposes of rendering technical assistance, and other than military personnel, shall have the like immunity from suit or legal process as is accorded to the envoy of a foreign sovereign power accredited to Uganda except in so far as such immunity is expressly waived in any particular case by the Secretary-General of the United Nations.

6. All experts employed on missions on behalf of any organisation listed in the Second Schedule to this Order, other than those covered by paragraphs 2, 3 or 4 of this Order, shall have 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 except in so far as any such immunity is expressly waived by the organisation or by the head of the organisation by which such experts are employed.

7. Notwithstanding anything to the contrary, contained in this Order, no immunity is conferred by this Order upon any person who is a Uganda citizen or who is entitled to register as a Uganda citizen.

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#### First Schedule

##### *(Paragraph 2)*

1. The Secretary-General of the United Nations.
2. All Personal Representatives of the Secretary-General of the United Nations.
3. All Under Secretaries-General of the United Nations.
4. All Assistant Secretaries-General of the United Nations.
5. Director-General, Deputy Director-General and Assistant Director-General of the International Labour Office.
6. Director-General and Deputy Director-General of the United Nations Educational, Scientific and Cultural Organisation.
7. Director-General and Deputy Director-General of the World Health Organisation.
8. Secretary-General of the World Meteorological Organisation.
9. Secretary-General of the International Telecommunications Union.
10. Director of the Special Fund of the United Nations.



Second Schedule  
(Paragraphs 3 and 6)

1. United Nations.
2. United Nations Educational, Scientific and Cultural Organisation.
3. World Health Organisation.
4. International Labour Organisation.
5. International Telecommunications Union.
6. World Meteorological Organisation.

Third Schedule  
(Paragraph 4)

1. Regional Representative of any organisation listed in the Second Schedule to this Order.
2. Chief Representative in Uganda, however styled, of any organisation listed in the Second Schedule to this Order.
3. Director of United Nations Special Fund Programmes in Eastern Africa.
4. Regional Representative of the United Nations Technical Assistance Board.
5. Representative of the United Nations Technical Assistance Board in Uganda.
6. Deputy Director of United Nations Special Fund Programmes for Eastern Africa.
7. Deputy Regional Representative of the United Nations Technical Assistance Board for Eastern Africa.
8. Representative for Eastern Africa of the United Nations Children's Fund.

G. B. K. MAGEZI  
*Minister of State*

Entebbe,  
17 June 1963

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(b) THE IMMUNITIES AND PRIVILEGES (EXTENSION TO INTERNATIONAL ORGANIZATIONS) ORDER, 1963<sup>3</sup>

(UNDER SECTION 6 (2) (a) OF THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE, <sup>4</sup> 1962)

1. This Order may be cited as the Immunities and Privileges (Extension to International Organisations) Order, 1963.

2. Each organisation listed in the Schedule to this Order shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

3. Each organisation listed in the Schedule to this Order shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign power accredited to Uganda.

4. Each organisation listed in the Schedule to this Order shall have the like exemption or relief from taxes, duties, rates and fees, other than duties on the importation of goods, as is accorded to a foreign sovereign power.

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<sup>3</sup> Legal notice No. 162 of 1963 (Supplement to *Uganda Gazette*, 21 June 1963, p. 335).

<sup>4</sup> No. 53.

5. Each organisation listed in the Schedule to this Order shall have exemptions from duties on the importation of goods imported or purchased prior to clearance through customs by the organisation for its official use in Uganda or for exportation by it, such exemptions to be subject to compliance with such conditions as the Commissioner of Customs and Excise may prescribe for the protection of the revenue.

6. Each organisation listed in the Schedule to this Order shall have exemptions from prohibitions and restrictions on importation or exportation in the case of goods imported or purchased prior to clearance through the customs 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.

7. Each organisation listed in the Schedule to this Order shall have 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 Uganda), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

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#### Schedule

1. United Nations.
2. United Nations Educational, Scientific and Cultural Organisation.
3. World Health Organisation.
4. International Labour Organisation.
5. International Telecommunications Union.
6. World Meteorological Organisation.

G. B. K. MAGEZI  
*Minister of State*

Entebbe,  
17 June 1963

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#### (c) THE IMMUNITIES AND PRIVILEGES (APPLICATION TO SPECIFIED INTERNATIONAL ORGANIZATIONS) DECLARATION, 1963 <sup>5</sup>

##### (UNDER SECTION 6 (1) OF THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE, <sup>6</sup> 1962

1. This Declaration may be cited as the Immunities and Privileges (Application to Specified International Organisations) Declaration, 1963.

2. Each of the organisations set forth in the Schedule to this Declaration is hereby declared to be an organisation of which the Government of Uganda and the government or governments of one or more foreign sovereign powers are members and are therefore organisations to which section 6 of the Ordinance applies.

3. For the purposes of the application of section 6 of the Ordinance the organisation entitled "United Nations" shall include all of its organs, commissions, boards and other

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<sup>5</sup> Legal notice No. 164 of 1963 (Supplement to *Uganda Gazette*, 21 June 1963, p. 337).

<sup>6</sup> No. 53.

constituent parts however styled including but not limited to the United Nations Economic and Social Council, the United Nations Special Fund, the United Nations Technical Assistance Board, the United Nations Children's Fund and the United Nations Economic Commission for Africa.

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Schedule

1. United Nations.
2. United Nations Educational, Scientific and Cultural Organisation.
3. World Health Organisation.
4. International Labour Organisation.
5. International Telecommunications Union.
6. World Meteorological Organisation.

G. B. K. MAGEZI  
*Minister of State*

Entebbe,  
17 June 1963.

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(d) THE IMMUNITIES AND PRIVILEGES (IMMUNITY FROM INCOME TAX OF OFFICERS AND SERVANTS OF INTERNATIONAL ORGANISATIONS) ORDER, 1963<sup>7</sup>

(UNDER SECTIONS 6 (2) (b) AND 6 (2) (c) OF THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE,<sup>8</sup> 1962)

1. This Order may be cited as the Immunities and Privileges (Immunity from Income Tax of Officers and Servants of International Organisations) Order, 1963.

2. In this Order, unless the context otherwise requires:

“locally recruited person” means a person who was residing, temporarily or permanently, in Uganda, Kenya, Tanganyika or Zanzibar at the time he was engaged for his present employment and was not at that time entitled to immunity from income tax on emoluments paid to him by an international organisation in the country in which he was residing when so engaged, or who, being hired when he was not residing in Uganda, Kenya, Tanganyika or Zanzibar, came to Uganda and remains in Uganda primarily for a purpose other than that of working for the international organisation by which he is employed.

3. All officers and servants of each international organisation listed in the Schedule to this Order shall be exempt from the payment of income tax on the salary and emoluments paid to them by the international organisation by which they are employed except in so far as this exemption has been waived by such organisation or by the head of such organisation:

Provided that no person who is a citizen of Uganda, is entitled to register as a citizen of Uganda or is a locally recruited person shall be exempt from the payment of any income tax by virtue of this Order.

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<sup>7</sup> Legal notice No. 179 of 1963 (Supplement to *Uganda Gazette*, 5 July 1963, p. 383).

<sup>8</sup> No. 53.

### Schedule

1. United Nations.
2. United Nations Educational, Scientific and Cultural Organisation.
3. World Health Organisation.
4. International Labour Organisation.
5. International Telecommunications Union.
6. World Meteorological Organisation.

A. Milton OBOTE  
*Prime Minister*

Entebbe,  
27 June 1963.

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