

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1970

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 intergovernmental organizations



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Chapter I

LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

1. Canada

PRIVILEGES AND IMMUNITIES (INTERNATIONAL ORGANIZATIONS) ACT

(a) CARIBBEAN DEVELOPMENT BANK PRIVILEGES AND IMMUNITIES ORDER

P.C. 1970-881
19 May, 1970

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs and the Minister of Finance, pursuant to section 3 of the Privileges and Immunities (International Organizations) Act,¹ is pleased hereby to make the annexed Order Respecting the Privileges and Immunities of the Caribbean Development Bank in Canada.

ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES OF THE CARIBBEAN DEVELOPMENT BANK IN CANADA

1. This Order may be cited as the *Caribbean Development Bank Privileges and Immunities Order*.

2. In this Order,

(a) "Convention" means the Convention on the Privileges and Immunities of the United Nations;² and

(b) "Organization" means the Caribbean Development Bank.

3. (1) The Organization shall have in Canada the legal capacities of a body corporate and shall, to such extent as it may require, have the privileges and immunities set forth in Articles II and III of the Convention.

(2) Representatives of states and governments that are members of the Organization shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article IV of the Convention for representatives of members.

¹ See United Nations Legislative Series, *Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations* (ST/LEG/SER.B/10), p. 10 and *Juridical Yearbook*, 1965, p. 3.

² United Nations, *Treaty Series*, vol. 1, p. 15.

(3) All officials of the Organization in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations.

(4) All experts performing missions for the Organization in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations.

4. Nothing in this Order exempts a person who is a Canadian citizen or a permanent resident of Canada from liability for any taxes or duties imposed by any law in Canada.

(b) **FAO WORLD CONSULTATION ON THE USE OF WOOD IN HOUSING (WITH EMPHASIS ON THE NEEDS OF DEVELOPING COUNTRIES) PRIVILEGES AND IMMUNITIES ORDER, 1971**

P.C. 1970-99
21 January, 1970

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs with the concurrence of the Minister of Fisheries and Forestry, pursuant to section 3 of the Privileges and Immunities (International Organizations) Act, is pleased hereby to make the annexed Order respecting Privileges and Immunities in Canada for the World Consultation on the Use of Wood in Housing (with Emphasis on the Needs of Developing Countries) of the Food and Agriculture Organization of the United Nations.

ORDER RESPECTING PRIVILEGES AND IMMUNITIES IN CANADA FOR THE WORLD CONSULTATION ON THE USE OF WOOD IN HOUSING (WITH EMPHASIS ON THE NEEDS OF DEVELOPING COUNTRIES) OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

1. This Order may be cited as the *FAO World Consultation on the Use of Wood in Housing (with Emphasis on the Needs of Developing Countries) Privileges and Immunities Order, 1971*.

2. In this Order, "Consultation" means the World Consultation on the Use of Wood in Housing (with Emphasis on the Needs of Developing Countries) of the Food and Agriculture Organization of the United Nations.

3. During the period commencing June 20, 1971, and terminating July 31, 1971,

(a) the Consultation shall have in Canada the legal capacities of a body corporate and shall, to such extent as it may require for the performance of its functions, have the privileges and immunities set forth in Articles II and III of the Convention;

(b) representatives of states and governments that are members of the Consultation in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article IV of the Convention for representatives of Members;

(c) all officials of the Consultation in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations; and

(d) all experts performing missions for the Consultation in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and

immunities set forth in Article VI of the Convention for experts on missions for the United Nations.

4. Nothing in this Order exempts a Canadian citizen residing or ordinarily resident in Canada from liability for any taxes or duties imposed by any law in Canada.

(c) ITU PRIVILEGES AND IMMUNITIES ORDER, 1970

P.C. 1970-1108
23 June, 1970

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, concurred in by the Minister of Communications, pursuant to section 3 of the Privileges and Immunities (International Organizations) Act, is pleased hereby to make the annexed Order Respecting Privileges and Immunities in Canada for the International Telegraph and Telephone Consultative Committee of the International Telecommunication Union.

ORDER RESPECTING PRIVILEGES AND IMMUNITIES IN CANADA FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE OF THE INTERNATIONAL TELECOMMUNICATION UNION

1. This Order may be cited as the *ITU Privileges and Immunities Order, 1970*.

2. In this Order,

“Convention” means the Convention on the Privileges and Immunities of the United Nations; and

“Committee” means the International Telegraph and Telephone Consultative Committee of the International Telecommunication Union.

3. During the period commencing June 22, 1970, and terminating July 14, 1970,

(a) the Committee shall have in Canada the legal capacities of a body corporate and shall, to such extent as it may require for the performance of its functions have the privileges and immunities set forth in Articles II and III of the Convention;

(b) representatives in Canada of states and governments that are members of the Committee shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article IV of the Convention;

(c) all officials of the Committee in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article V of the Convention; and

(d) all experts performing missions for the Committee in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article VI of the Convention.

Nothing in this Order exempts a Canadian citizen residing or ordinarily resident in Canada from liability of any taxes or duties imposed by any law in Canada.

(d) TSUNAMI WARNING SYSTEM PRIVILEGES AND IMMUNITIES ORDER, 1970

P.C. 1970-838
12 May, 1970

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, pursuant to section 3 of the Privileges and Immunities (International Organizations) Act, is pleased hereby to make the annexed Order respecting the Privileges and Immunities of the UNESCO-IOC International Co-ordination Group on the Tsunami Warning System in the Pacific.

ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES IN CANADA OF THE UNESCO-IOC INTERNATIONAL CO-ORDINATION GROUP ON THE TSUNAMI WARNING SYSTEM IN THE PACIFIC

1. This Order may be cited as the *Tsunami Warning System Privileges and Immunities Order, 1970*.

2. In this Order,

“Convention” means the Convention on the Privileges and Immunities of the United Nations; and

“Group” means the United Nations Educational, Scientific and Cultural Organization-Intergovernmental Oceanographic Commission International Coordination Group on the Tsunami Warning System in the Pacific.

3. During the period commencing May 12, 1970 and terminating May 15, 1970,

(a) the Group shall have in Canada the legal capacities of a body corporate and shall, to such extent as it may require for the performance of its functions, have the privileges and immunities set forth in Articles II and III of the Convention;

(b) representatives in Canada of states and governments that are members of the Group shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article IV of the Convention for representatives of members;

(c) all officials of the Group in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations; and

(d) all experts performing missions for the Group in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations

4. Nothing in this Order exempts a Canadian citizen residing or ordinarily resident in Canada from liability for any taxes or duties imposed by any law in Canada.

(e) UNESCO PRIVILEGES AND IMMUNITIES ORDER, 1970

P.C. 1970-1161
30 June, 1970

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, pursuant to section 3 of the Privileges and Immunities (International Organizations) Act, is pleased hereby to make the annexed Order respecting Privileges and Immunities in Canada for UNESCO.

ORDER RESPECTING PRIVILEGES AND IMMUNITIES IN CANADA FOI. UNESCO

1. This Order may be cited as the *UNESCO Privileges and Immunities Order, 1970*.
2. In this Order,
“Convention” means the Convention on the Privileges and Immunities of the United Nations; and
“Organization” means the United Nations Educational, Scientific and Cultural Organization.
3. During the period commencing September 28, 1970 and terminating October 2, 1970,
 - (a) the Organization shall have in Canada the legal capacities of a body corporate and shall, to such extent as may be required for the performance of its functions, have the privileges and immunities set forth in Articles II and III of the Convention;
 - (b) representatives in Canada of states and governments that are members of the Organization shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article IV of the Convention for representatives of members;
 - (c) all officials of the Organization in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations; and
 - (d) all experts performing missions for the Organization in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations.
4. Nothing in this Order exempts a Canadian citizen residing or ordinarily resident in Canada from liability for any taxes or duties imposed by any law in Canada.

2. Federal Republic of Germany

ORDINANCE OF 16 JUNE 1970 CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO THE UNITED NATIONS³

Pursuant to article 3 of the Act of 22 June 1954 concerning the accession of the Federal Republic of Germany to the Convention on the privileges and immunities of the specialized agencies of the United Nations⁴ of 21 November 1947 and the granting of privileges and immunities to other international organizations⁵ (*Bundesgesetzblatt* 1954 II, p. 639), as most recently amended by Act of 28 February 1964⁶ (*Bundesgesetzblatt* II, p. 187), the Federal Government, with the assent of the *Bundesrat*, orders as follows:

³ Translation by the Secretariat of the United Nations.

⁴ United Nations, *Treaty Series*, vol. 33, p. 261.

⁵ 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.

⁶ See *Juridical Yearbook*, 1964, p. 4.

Article 1

The United Nations shall possess juridical personality. It shall have the capacity:

- (a) To contract;
- (b) To acquire and dispose of immovable and movable property;
- (c) To sue and be sued.

Article 2

The United Nations, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. However, no waiver of immunity shall extend to any measure of execution.

Article 3

The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive or judicial action.

Article 4

The archives of the United Nations, and all documents belonging to it or held by it, shall be inviolable wherever located.

Article 5

Without being restricted by financial controls, regulations or moratoria of any kind, the United Nations may:

- (a) Hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) Freely transfer its funds, gold or currency to, from or within the Federal Republic of Germany and convert any currency held by it into any other currency.

Article 6

The United Nations, its assets, income and other property shall be:

- (a) Exempt from all direct taxes, with the exception of taxes which are, in fact, no more than charges for public utility services;
- (b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. However, articles imported under such exemption may not be sold except under conditions agreed with the competent German authorities;
- (c) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 7

When the United Nations is making important purchases for official use and excise duties or sales taxes form part of the price to be paid, the competent German authorities shall, whenever possible in any particular case, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article 8

The United Nations shall enjoy for its official communications treatment not less favourable than that accorded to any other Government including its diplomatic mission

in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Article 9

The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article 10

Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations shall, while exercising their functions and during the journey to and from the place of meeting, enjoy all the privileges, immunities and facilities to which diplomatic agents are entitled under the terms of the Vienna Convention on Diplomatic Relations of 18 April 1961⁷ (*Bundesgesetzblatt* 1964 II, p. 957), with the exception of the exemptions specified in article 36, paragraph 1 (b). The same shall apply to their spouses.

Article 11

In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Article 12

Where the incidence of any form of taxation depends upon residence in the Federal Republic of Germany, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in the Federal Republic of Germany for the discharge of their duties shall not be considered as periods of residence.

Article 13

Privileges and immunities are accorded to the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the United Nations. Consequently, the Government of the Federal Republic of Germany shall have the right to revoke the immunity of any representative in any case where the immunity would impede the course of justice, and where it can be revoked without prejudice to the purpose for which the immunity is accorded. However, the Government of the Federal Republic of Germany shall not revoke the immunity unless it has first sought the views of the Member and the latter agrees to the revocation. The Federal Minister for Foreign Affairs shall publish the decisions of the Federal Government in the *Bundesanzeiger*.

Article 14

In the foregoing articles the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

⁷ United Nations, *Treaty Series*, vol. 500, p. 95.

Article 15

The officials of the United Nations to whom this Ordinance shall apply shall be those persons who are included in the categories specified by the Secretary-General and submitted to the General Assembly and whose names are from time to time made known by the Secretary-General to the Government of the Federal Republic of Germany.

Officials of the United Nations shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) Be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) Be immune from national service obligations;

(d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration. The foregoing shall be without prejudice to the general and special obligation to register under the registration laws of the *Länder*;

(e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of diplomatic missions to the Government concerned;

(f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic agents;

(g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the Federal Republic of Germany.

Article 16

In addition to the immunities and privileges specified in article 15, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges, immunities and facilities to which diplomatic agents are entitled under the terms of the Vienna Convention on Diplomatic Relations of 18 April 1961 (*Bundesgesetzblatt* 1964 II, p. 957).

Article 17

The additional privileges, immunities and facilities specified in article 16 shall also apply in respect of the representative of the United Nations High Commissioner for Refugees in Germany, his spouse and minor children.

Article 18

Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Government of the Federal Republic of Germany shall have the right to revoke the immunity of any official in any case where the immunity would impede the course of justice and can be revoked without prejudice to the interests of the United Nations. However, the Government of the Federal Republic of Germany shall not revoke the immunity unless it has first sought the views of the Secretary-General and he agrees to the revocation. The Federal Minister for Foreign Affairs shall publish the decisions of the Federal Government in the *Bundesanzeiger*.

Article 19

Experts (other than officials coming within the scope of articles 15-18) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions,

including the time spent on journeys in connexion with their missions. In particular they shall be accorded:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage;

(b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(c) Inviolability for all papers and documents;

(d) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

Article 20

Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Government of the Federal Republic of Germany shall have the right to revoke the immunity of any expert in any case where the immunity would impede the course of justice and can be revoked without prejudice to the interests of the United Nations. However, the Government of the Federal Republic of Germany shall not revoke the immunity unless it has first sought the views of the Secretary-General and he agrees to the revocation. The Federal Minister for Foreign Affairs shall publish the decisions of the Federal Government in the *Bundesanzeiger*.

Article 21

The United Nations may make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of a private-law character to which the United Nations is a party;

(b) Disputes involving any official of the United Nations who by reason of his official position enjoys immunity from legal process, if immunity has not been revoked.

Article 22

The scope of application of this Ordinance shall, in accordance with article 14 of the Third Transitional Act of 4 January 1952 (*Bundesgesetzblatt* I, p. 1) read in conjunction with article 4 of the Act of 22 June 1954 concerning the accession of the Federal Republic of Germany to the Convention on the privileges and immunities of the specialized agencies of the United Nations of 21 November 1947 and the granting of privileges and immunities to other international organizations, as most recently amended by Act of 28 February 1964, extend to *Land* Berlin.

Article 23

This Ordinance shall enter into force, for the purposes of article 7, with retroactive effect as from 30 November 1968, and, for all other purposes, on the day following its promulgation.

Bonn, 16 June 1970

BRANDT
Federal Chancellor

SCHEEL
Federal Minister for Foreign Affairs

3. Guyana

PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR AND INTERNATIONAL ORGANIZATIONS) ACT, 1970

An Act⁸ to confer certain privileges and immunities on members of the Diplomatic Services, the Consular Services and on the United Nations and the Specialized Agencies by giving the force of law in Guyana to certain articles of the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies and for other purposes

[28th November, 1970]

Enacted by the Parliament of Guyana:—

PART I—PRELIMINARY

1. This Act may be cited as the Privileges and Immunities (Diplomatic, Consular, and International Organisations) Act, 1970.

2. In this Act—

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

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

...

PART IV—PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS, AND OF JUDGES OF, AND SUITORS TO, THE INTERNATIONAL COURT OF JUSTICE

10. (1) The Articles set out in the third schedule (being Articles of the General Convention) shall have the force of law in Guyana and shall be construed in accordance with the following provisions of this section.

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

(a) the reference in Article 1 to the effect that the United Nations shall possess juridical personality shall be construed as meaning that the United Nations is a body corporate;

(b) the term “a national” in relation to Guyana shall be construed as meaning a citizen of Guyana.

11. The Minister may, by order, confer on the judges and registrars of the International Court of Justice established under 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.

⁸ No. 26 of 1970. Assented to on 27 November 1970.

PART V—PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

12. (1) The Articles set out in the fourth schedule (being Articles of the Convention on the Privileges and Immunities of the Specialized Agencies) shall have the force of law in Guyana and shall be construed in accordance with the following provisions of this section.

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

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

(b) the term “a national” in relation to Guyana shall be construed as meaning a citizen of Guyana.

PART VI—PRIVILEGES AND IMMUNITIES OF SPECIFIED ORGANISATIONS AND OF REPRESENTATIVES ATTENDING INTERNATIONAL CONFERENCES

13. (1) This section shall apply to any organisation declared by the Minister, by order, to be an organisation of which—

(a) Guyana, or the Government of Guyana, and

(b) one or more other sovereign Powers, or the Government or Governments of one or more such Powers, are members.

(2) Subject to subsection (7), the Minister may, by order, specify an organisation to which this section applies and may make any one or more of the following provisions in respect of the organisation so specified (hereinafter in this section referred to as “the organisation”), that is to say—

(a) confer on the organisation the legal capacities of a body corporate;

(b) provide that the organisation shall, to such extent as may be specified in the order, have the privileges and immunities set out in Part I of the fifth schedule;

(c) confer the privileges and immunities set out in Part II of the fifth schedule to such extent as may be specified in the order, on persons of any such class as is mentioned in subsection (3);

(d) confer the privileges and immunities set out in Part III of the fifth schedule, to such extent as may be specified in the order, on such classes of officers and servants of the organisation (not being classes mentioned in subsection (3)) as may be so specified.

(3) The classes of persons referred to in subsection 2 (c) are—

(a) persons who (whether they represent Governments or not) are representatives to the organisation or representatives on, or members of, any organ or committee of the organisation;

(b) such number of officers of the organisation as may be specified in the order, being the holders (whether permanent or otherwise) of such high offices in the organisation as may be so specified; and

(c) persons employed by or serving under the organisation as experts or as persons engaged on missions for the organisation.

(4) Where an order is made under subsection (2), the provisions of Part IV of the fifth schedule shall have effect for the purpose of extending to the staffs of representatives mentioned in subsection (3) (a) and to the families of officers of the organisation any

immunities and privileges conferred on the representatives or officers mentioned in subsection (3), except in so far as the operation of the provisions of the said Part IV is excluded by the order conferring the immunities and privileges.

(5) Where an order is made under subsection (2), then for the purpose of giving effect to any agreement made in that behalf between Guyana or the Government of Guyana and the organisation the Minister may by the same or any subsequent order confer the exemptions set out in subsection (6) in respect of—

- (i) members of the staff of the organisation recognised by the Government of Guyana as holding a rank equivalent to that of a diplomatic agent, and
- (ii) members of the family of any such member of the staff of the organisation who form part of his household.

(6) In the event of the death of the person in respect of whom the exemptions under subsection (5) are conferred, exemptions from—

(a) estate duty leviable on his death under any law for the time being in force in Guyana in respect of movable property which is in Guyana immediately before his death and the presence of which in Guyana at that time is due solely to his presence there in the capacity by reference to which the exemptions are conferred;

(b) capital gains tax on net chargeable gains in relation to any such movable property accruing to that person in the year of assessment in which he died.

(7) Any order made under subsection (2) or (5) shall be so framed as to secure—

(a) that the privileges and immunities conferred by the order are not greater in extent than those which, at the time when the order takes effect, are required to be conferred in accordance with any agreement to which Guyana or the Government is then a party (whether made with one or more other sovereign Powers or Governments or made with one or more organisations such as are mentioned in subsection (1)), and

(b) that no privilege or immunity is conferred on any person as the representative of Guyana or of the Government of Guyana, or as a member of the staff of such a representative.

14. (1) Where a conference is held in Guyana and is attended by representatives of the governments of one or more sovereign Powers, and it appears to the Minister that doubts may arise as to the extent to which the representatives of those governments (other than the Government of Guyana) 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 Government of Guyana) shall for the purpose of any enactment or custom relating to diplomatic immunities and privileges, be treated as if he were a head of mission, 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 head of mission.

(2) For the purposes of subsection (1), the Minister may compile a list of the representatives of the governments aforesaid (other than the Government of Guyana) and members of their official staffs as he thinks proper, and shall cause such list and any amendment of that list to be published in the *Gazette* and such publication shall include a statement of the date from which the list or amendment, as the case may be, takes or took effect.

(3) In subsection (1)—

“head of mission” means an Ambassador, High Commissioner or other person, by whatever title called, accredited by a sovereign Power and recognised as a head of mission in Guyana by the Government of Guyana.

PART VII—GENERAL

15. Any order made under any of the provisions of this Act shall be subject to negative resolution of the National Assembly.

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

17. (1) Except with the consent in writing of the Minister, no person shall assume or use in connection with any trade, business, calling or profession the name, flag, official seal or emblem of the United Nations or any of the Specialized Agencies, or any flag, seal or emblem so nearly resembling any such flag, official seal or emblem as to be likely to deceive.

(2) A facsimile of every such flag, official seal or emblem shall be published in the *Gazette*.

(3) Any person who contravenes the provisions of subsection (1) shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for one year or to both such fine and imprisonment.

18. The Minister may, from time to time, make regulations for carrying into effect the purposes of this Act.

19. (1) The Diplomatic Privileges (Extension) Ordinance is hereby repealed.

(2) Section 4 of the Consular Conventions Ordinance is hereby repealed, and the number "4" shall be deleted from section 8 (1) thereof.

Third Schedule

(Section 10)

Articles of the Convention on the Privileges and Immunities of the United Nations having the force of law in Guyana

[Article I, section 1; article II, sections 2 to 8; article III, sections 9 and 10; article IV, sections 11 to 16; article V, sections 18 to 21; article VI, sections 22 and 23 and article VII, sections 24 to 27]

Fourth Schedule

(Section 12)

Articles of the Convention on the Privileges and Immunities of the Specialized Agencies having the force of law in Guyana

[Article I, section 1; article II, section 3; article III, sections 4 to 7, 9 and 10; article IV, sections 11 and 12; article V, sections 13 to 17; article VI, sections 18 to 23; article VII, section 25 and article VIII, sections 26 to 30]

Fifth Schedule

(Section 13)

Part I

PRIVILEGES AND IMMUNITIES OF THE ORGANISATION

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

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

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

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

Part II

PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES, MEMBERS OF COMMITTEES, HIGH OFFICERS AND PERSONS ON MISSIONS

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power.

2. The like inviolability of residence as is accorded to such an envoy.

3. The like exemption of relief from taxes as is accorded to such an envoy.

Part III

PRIVILEGES AND IMMUNITIES OF OTHER OFFICERS AND SERVANTS

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

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

Part IV

PRIVILEGES AND IMMUNITIES OF OFFICIAL STAFFS AND OF HIGH OFFICERS FAMILIES

1. Where any person is entitled to any such privileges and immunities as are mentioned in Part II of this Schedule as a representative to the organisation or as a representative on, or member of, any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those privileges and immunities to the same extent as the retinue of an envoy of a foreign sovereign Power.

2. Where any person is entitled to any such privileges and immunities as are mentioned in Part II of this Schedule as an officer of the organisation, the members of that person's family forming part of his household shall also be entitled to those privileges and immunities to the same extent as the wife or husband or children of an envoy of a foreign sovereign Power accredited to Guyana are entitled to the privileges and immunities accorded to the envoy.

4. India

NOTIFICATION DATED 9 DECEMBER 1970 CONCERNING THE SECOND SESSION OF THE CONSULTATIVE COMMITTEE ON TEA OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

In exercise of the powers conferred by section 3 of the United Nations (Privileges and Immunities) Act, 1947 (No. 46 of 1947), the Central Government hereby declares that the

provisions of Article IV and Article V of the Schedule to the said Act⁹ shall apply *mutatis mutandis* to delegates including observers, if any, and to the staff of the Food and Agriculture Organization of the United Nations participating in the Second Session of the Consultative Committee on Tea to be held in New Delhi during November-December, 1970.

5. Japan

(a) NOTICE NO. 742 OF THE MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY¹⁰

This is to give notice that, in pursuance of article 4-2¹¹ of the Unfair Competition Prevention Law (Law No. 14 of 1934) and article 4, paragraph 1 (3) of the Trademark Law (Law No. 127 of 1959), the names, abbreviations and emblems of . . . the International Labour Organisation, the International Monetary Fund . . . the Universal Postal Union . . . have been designated as given hereunder.

...

International Labour Organisation

International Labour Organisation [and its equivalent in Japanese French, German, Italian, Russian and Spanish]

International Labour Office [and its equivalent in French, German, Italian, Russian and Spanish]

ILO [and its equivalent in French, German, Italian, Russian and Spanish]

International Monetary Fund

International Monetary Fund [and its equivalent in Japanese]

INTERFUND

IMF

Emblem [not reproduced]

...

Universal Postal Union

Union postale universelle [and its equivalent in Japanese]

UPU

Emblem [not reproduced]

...

November 30, 1970

Kiichi MIYAZAWA

Minister of International Trade and Industry

⁹ The schedule reproduces articles I to VIII of the Convention on the Privileges and Immunities of the United Nations.

¹⁰ English text kindly provided by the Government of Japan.

¹¹ Article 4-2 of the Unfair Competition Prevention Law reads as follows:

“The armorial bearings, flags and other emblems, abbreviations or names of the inter-governmental international organizations of which the parties to the Union Convention are members, which are identical with or similar to those as designated by the competent Minister, shall not be used as trade marks in a way liable to cause misapprehension to have any connection with the international organizations, nor shall merchandise on which they are used as trade-marks be sold or distributed, without permission of the international organizations.”

(b) NOTICE NO. 226 OF THE MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY¹²

This is to give notice that, in pursuance of article 4-2¹³ of the Unfair Competition Prevention Law (Law No. 14 of 1934) and article 4, paragraph 1 (3) of the Trademark Law (Law No. 127 of 1959), the emblem of the World Meteorological Organization has been designated as reproduced hereunder.

Emblem of the World Meteorological Organization.

[Not reproduced]

June 5, 1970

Kiichi MIYAZAWA
Minister of International Trade and Industry

6. Kenya

THE PRIVILEGES AND IMMUNITIES ACT, 1970

An Act of Parliament¹⁴ to amend and consolidate the law on diplomatic and consular relations by giving effect to certain international conventions and otherwise; to consolidate the law relating to the immunities, privileges and capacities of international organizations of which Kenya is a member and of certain other bodies; and for matters incidental to and connected with the foregoing.

[Date of commencement: 6 April 1970]

ENACTED by the Parliament of Kenya, as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the Privileges and Immunities Act, 1970.

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

...

“the Minister” means the Minister for the time being responsible for foreign affairs.

...

PART IV—INTERNATIONAL ORGANIZATIONS, ETC.

9. (1) This section shall apply to any organization which the Minister may, by order, declare to be an organization of which Kenya, or the Government, and one or more foreign sovereign powers, or the government or governments thereof, are members.

(2) The Minister may, by order—

(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 Part I of the Fourth Schedule to this Act, and shall also have the legal capacities of a body corporate;

¹² English text kindly provided by the Government of Japan.

¹³ See footnote 11 above.

¹⁴ No. 3 of 1970. Assented to on 3 April 1970.

(b) confer upon—

- (i) any persons who are representatives (whether of governments or not) on any organ of the organization or are members of any committee of the organization or of an organ thereof;
- (ii) such number of officers of the organization as may be specified in the order, being the holders of such high offices in the organization as may be so specified; and
- (iii) such persons employed on missions on behalf of the organization as may be so specified.

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

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

and Part IV of the said Fourth Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in subparagraph (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 said Part IV is excluded by the order conferring the immunities and privileges.

(3) An order under subsection (2) of this section shall be so framed as to secure that there are not conferred upon any person any immunities or privileges greater in extent than those which, at the time of the making of the order, are required to be conferred on that person in order to give effect to any international agreement in that behalf and that no immunity or privilege is conferred upon any person as the representative of the Government of Kenya or as a member of the staff of such representative.

(4) Where immunities and privileges are conferred upon any persons by an order under subsection (2) of this section, the Minister, by notice in the Gazette—

(a) shall specify the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection; and

(b) may specify the persons entitled to immunities and privileges conferred under paragraph (c) of that subsection.

10. Where a conference is held in Kenya and is attended by the representatives of the Government of Kenya and of the government or governments of one or more other States, and it appears to the Minister that doubts may arise as to the extent to which the representatives of such other States and members of their official staffs are entitled to diplomatic immunities and privileges, he may, by notice in the Gazette, specify the persons aforesaid and the Articles set out in the First Schedule to this Act which shall apply to them, and, for the purposes of those Articles, every representative of a State who is for the time being specified in such a notice shall be deemed to be a head of the mission and such of his official staff as are for the time being included in the notice shall be deemed to be members of the diplomatic staff.

11. (1) Where the Government of Kenya has, whether before or after the commencement of this Act, entered into any agreement with an external agency under which, in return for assistance or co-operation in works executed in, or services rendered to, Kenya by such agency, the Government has agreed that such agency or persons in its service should enjoy any immunities or privileges, the Minister may, by order—

(a) declare that such agency is one to which this section applies

(b) provide that, to such extent as may be specified in the order, such agency shall have the immunities and privileges set out in Part I of the Fourth Schedule to this Act;

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

and for the purposes of any such order references in the said Fourth Schedule to the organization shall be construed as references to the external agency named in the order.

(2) An order under subsection (1) of this section shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which are required to be conferred on that person by the agreement concerned and that no immunity or privilege is conferred on any person who is a citizen of, or permanently resident in, Kenya.

(3) Where immunities and privileges are conferred upon any person by an order under subsection (1) of this section, the Minister shall, by notice in the Gazette, specify the persons who are for the time being entitled to such immunities and privileges.

(4) For the purposes of this section, "external agency" means—

(a) the government of a foreign State;

(b) any recognized agency of such a government;

(c) any internationally recognized foundation or other body.

12. In its application to the United Nations Organization, established by Charter at San Francisco on 25th June 1945, this Part shall have effect subject to the following modifications—

(a) any reference to the governing body or any committee of the organization shall be construed as referring to the General Assembly or any council or other organ of the United Nations Organization; and

(b) the powers conferred upon the Minister by subsection (2) of section 9 of this Act shall include power to confer on the judges and registrars of the International Court set up under the said Charter, 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 said General Assembly.

13. Notwithstanding the foregoing provisions of this Part, the Minister may decline to accord immunities and privileges to, or may withdraw immunities and privileges from, nationals or representatives of any State on the ground that such State is failing to accord corresponding immunities and privileges to citizens or representatives of Kenya.

PART V—GENERAL

...

16. If in any proceedings any question arises whether or not any person is entitled to the benefit of any immunity or privilege, or to exercise any power, under this Act, a certificate given by the Minister stating any fact relating to that question shall be conclusive evidence of that fact, and any such certificate purporting to be signed by the Minister shall be presumed to have been signed by him until the contrary is proved.

17. Any order made under this Act shall, unless a draft thereof has been laid before Parliament and approved by resolution before the making thereof, be laid before Parliament without unreasonable delay, and, if a resolution is passed by Parliament within twenty days on which Parliament next sits after such order is laid before it that the order be annulled,

it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new order.

18. (1) The Diplomatic Privileges Act 1708, of the United Kingdom is hereby repealed in its application to Kenya.

(2) The following Acts are hereby repealed—

(a) the Administration of Estates by Consular Officers Act;

(b) the Diplomatic Privileges Extension Act;

(c) the Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Act;

(d) the Consular Conventions Act.

(3) Nothing in this Act shall affect any order made, or list or notice published, under any law repealed by this Act, but any such order, list or notice shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made or published under this Act, have effect as if so made or published.

SCHEDULES

First Schedule

ARTICLES OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS HAVING THE FORCE OF LAW IN KENYA
(Sections 4 and 10)

[Text of articles 1, 22 to 24 and 27 to 40 of the Convention]

...

Fourth Schedule

(ss. 9 and 11)

IMMUNITIES AND PRIVILEGES OF AN ORGANIZATION AND OFFICERS THEREOF

PART I

Immunities and Privileges of the Organization

1. Immunity from suit and legal process.
2. The like inviolability of premises occupied as offices and of official archives as is accorded by Articles 22 and 24 of the First Schedule to this Act.
3. The like exemption from rates and taxes, other than taxes on the importation of goods, as is accorded to a mission by the said First Schedule.
4. Exemption from taxes on the importation of goods directly imported by the organization for its official use in Kenya or for exportation, or on the importation of any publications of the organization directly imported by it, such exemption to be subject to compliance with such conditions as any written law relating to customs and excise may prescribe.
5. Exemptions 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.
6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for wireless broadcasting (including communications addressed to, or despatched from, places outside Kenya), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

PART II

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

1. The like immunity from suit and legal process as is accorded to a diplomatic agent under the First Schedule to this Act.

2. The like inviolability of residence as is so accorded to such agent.
3. The like exemption or relief from taxes as is so accorded to such agent.

PART III

Immunities and Privileges of Other Officers and Servants

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from direct taxes upon the emoluments received as an officer or servant of the organization.
3. Immunity from national service obligations.
4. Immunity from immigration restrictions and alien registration in respect of the officers and servants and their spouses and dependent relatives.
5. The like privileges in respect of exchange control facilities as are accorded to officials of equivalent status forming part of a diplomatic mission.
6. The like facilities, for the officers and servants and their spouses and dependent relatives, for repatriation in times of international crises as are afforded to diplomatic missions.
7. Exemption from tax or duty on the importation of furniture, personal property and household effects of an officer or servant first arriving to take up his post in Kenya.

PART IV

Immunities and Privileges of Official Staffs and of the Families of High Officers

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as a representative on any organ of the organization or as a member of any committee of the organization or of any 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 are accorded to the members of the diplomatic staff of a mission by or under the First Schedule to this Act.
2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organization, that person's spouse and children under the age of twenty-one shall be entitled to the immunities and privileges accorded to the family of a diplomatic agent by or under the First Schedule to this Act.

7. Malta

NOTE DATED 16 MARCH 1971 FROM THE CHARGÉ D'AFFAIRES A.I. OF MALTA TO THE UNITED NATIONS

...

Part III of the Immigration Act, 1970, which came into force on the 21st September, 1970, has laid down certain restrictions on the entry of foreigners into Malta and on their engaging in gainful activities while they are in Malta. The United Nations Organization, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, which are all organizations enjoying immunities and privileges under the Diplomatic Immunities and Privileges Act, 1966,¹⁵ have been exempted from the said restrictions by virtue of section 4 (a) of the said Act enacted in 1970 which provides as follows:—

¹⁵ *Juridical Yearbook*, 1966, p. 6.

“The provisions of Part III of this Act shall not apply to any person who is entitled to immunities and privileges by virtue of or under any provision of the Diplomatic Immunities and Privileges Act, 1966.”

The same exemption is granted by section 4 (b) to the dependants of any such person.

8. Norway

ACT OF 19 JUNE 1947¹⁶ RELATING TO THE IMMUNITIES AND PRIVILEGES OF INTERNATIONAL ORGANIZATIONS, AS AMENDED BY ACT NO. 2 OF 27 FEBRUARY 1970¹⁷

1. By international agreement, adhered to by Norway, an international organization or institution, its employees and other persons acting on behalf of the organization or institution, as well as representatives and envoys of member States and persons taking part in judicial proceedings before international organs, can without hindrance from Norwegian law be granted immunities and privileges.

The King may lay down more detailed regulations for the implementation of provisions contained in such agreements relating to privileges and immunities.

2. This Act shall apply also to Spitzbergen, Jan Mayen, the Bouvet Island, Peter I's Island and Queen Maud Land.

9. Swaziland

THE DIPLOMATIC PRIVILEGES ACT, 1963

An Act¹⁸ to confer Diplomatic Privileges and Immunities on Representatives of Foreign States in accordance with the Articles of the Vienna Convention, 1961, and on Representatives of public International Organizations of which Swaziland is a Member
[Date of commencement 23rd August 1968]

ENACTED by the Parliament of Swaziland—

Short title and commencement

1. This Act may be cited as the Diplomatic Privileges Act, 1968, and shall come into force on the 6th day of September, 1968.

Interpretation (Schedule)

2. In this Act, unless inconsistent with the context—

“local authority” means board or authority constituted under any law and vested with the powers of levying rates and taxes and administering the municipal affairs or local government of the area within its jurisdiction;

“the Minister” means the Prime Minister;

¹⁶ See United Nations Legislative Series, *Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations* (ST/LEG/SER.B/10), p. 72.

¹⁷ English text kindly provided by the Norwegian Government.

¹⁸ No. 18 of 1968. Assented to on 20 August 1968.

“the Vienna Convention” means the Vienna Convention on Diplomatic Relations signed on the 18th April, 1961 by the United Kingdom, a copy of which is set out in the Schedule to this Act.

Application of Vienna Convention

3. Subject to the provisions of this Act, Articles 1, 22, 23, 24, and 27 to 40 of the Vienna Convention shall have the force of law in Swaziland and references therein to the receiving State shall be construed as references to the Government of Swaziland.

Withdrawal of privileges and immunities

4. His Majesty the King may withdraw any of the privileges or immunities accorded to a mission of any State or to any person connected with that mission if it appears to His Majesty that such State fails to accord corresponding immunities and privileges to representatives of Swaziland.

Keeping of registers and lists

5. (1) The Minister shall cause a register to be kept in which there shall be entered the names of all persons and missions entitled to the immunities and privileges conferred under this Act and every registration shall be cancelled upon the person ceasing to be so entitled.

(2) The Minister shall cause every registration or cancellation under subsection (1) to be published in the *Gazette*.

(3) At least once in each calendar year, the Minister shall cause to be published in the *Gazette* a complete list of all persons in the register.

(4) A copy of the list shall be lodged with the Registrar of the High Court and shall be available for inspection by the public free of charge during office hours.

(5) The Registrar shall amend the list from time to time in accordance with any notice published under subsection (2).

Evidence

6. A certificate under the hand of the Secretary to the Cabinet, stating that a mission or person mentioned in the certificate is entitled to any privilege or immunity under this Act or stating that any of the privileges or immunities attaching to any such mission or person no longer subsist or have been cancelled or have been withdrawn from any particular date, shall be accepted in any court as conclusive proof of the facts or conclusions therein stated.

Adjustment of loss of revenue

7. The loss of revenue caused to any local authority or statutory public utility corporation by reason of the exemption of any person from any taxes, duties, fees, rates or other charges other than for goods or services directly supplied or levied by such authority or corporation shall be made good to them out of moneys provided by Parliament for that purpose.

Offences and penalties

8. (1) A person who, whether as party or as attorney or as the officer concerned in issuing or executing such process, wilfully or without the exercise of reasonable care sues out, obtains or executes any legal process against a person entitled to the privileges and immunities accorded under this Act is guilty of an offence.

(2) A person who contravenes subsection (1), or a person who, wilfully or without the exercise of reasonable care, commits any other offence which has the effect of infringing

the inviolability of any person or the premises of any mission entitled to the immunities and privileges accorded under this Act, is liable, on conviction, to a fine not exceeding one thousand rands or imprisonment for a period not exceeding three years, or both.

Special envoys, international organizations, etc.

9. The provisions of this Act (including the Schedule) apply, *mutatis mutandis*, to—

(a) a special envoy from another State, subject to the terms and agreement governing the mission of the envoy;

(b) a public international organization or public international institution of which Swaziland is a member, the members, agents or officers of, and the delegates to, such organizations and institutions, and the permanent representatives of other States to such organizations or institutions, together with their families to the extent prescribed in any agreement or convention to which Swaziland is a party;

(c) representatives of a State attending any international conference, to the extent prescribed in any agreement or convention to which Swaziland is a party; and

(d) any other person who is recognized by the Minister as being entitled to diplomatic immunities and privileges in accordance with the recognized principles of international law and practice, including in particular persons falling under the category of diplomatic agents who are the representatives of a Sovereign or State with whom or which Swaziland is at peace and who are accredited to another State, and persons falling under paragraphs (b) and (c), while the diplomatic agents or persons are travelling to or from any country where their official duties are to be carried out or have been carried out.

Repeals

10. The Diplomatic Immunities and Privileges Proclamation (Cap. 16) and the International Organizations (Immunities and Privileges of Certain Officers) Law, 1966, (No. 4 of 1966), are repealed.

SCHEDULE

VIENNA CONVENTION ON DIPLOMATIC RELATIONS [Not reproduced]¹⁹

10. Zambia

THE INVESTMENT DISPUTES CONVENTION ACT, 1970

An Act²⁰ to give effect to the Convention on the Settlement of Investment Disputes between States and Nationals of other States

[17th April, 1970]

ENACTED by the Parliament of Zambia.

1. This Act may be cited as the Investment Disputes Convention Act, 1970.

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

...

¹⁹ See United Nations, *Treaty Series*, vol. 500, p. 95.

²⁰ No. 18 of 1970. Assented to on 9 April 1970.

“Convention” means the Convention on the Settlement of Investment Disputes between States and Nationals of other States the text of which is set out in the Schedule;

...

7. (1) Subject to subsection (2), Articles 18 to 24 (both inclusive) of the Convention (which govern the status, immunities and privileges of the International Centre for Settlement of Investment Disputes, of members of its Council and Secretariat and of persons concerned with conciliation or arbitration under the Convention) shall have the force of law so far as they affect Zambia.

(2) Nothing in Article 24 (1) of the Convention shall be construed as—

(a) entitling the said Centre to import goods free of customs duty without any restriction on their subsequent sale in Zambia; or

(b) conferring on the said Centre any exemption from duties or taxes which form part of the price of the goods sold.

(3) For the purposes of Articles 20 and 21 of the Convention, a statement to the effect that the said Centre has waived an immunity in the circumstances specified in the statement, being a statement certified by the Secretary-General of the said Centre (or by the person acting as Secretary-General), shall be conclusive evidence.

...

SCHEDULE

CONVENTION ON THE SETTLEMENT OF INVESTMENT DISPUTES BETWEEN STATES AND NATIONALS OF OTHER STATES

[Not reproduced]²¹

²¹ See United Nations, *Treaty Series*, vol. 575, p. 159.