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1984

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^{1*}

(a) AFRICAN DEVELOPMENT BANK PRIVILEGES AND IMMUNITIES

P.C 1984-1432 3 May 1984

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 African Development Bank in Canada.

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

Short title

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

Interpretation

2. In this Order,
"Agreement" means the Agreement establishing the African Development Bank;²
"Convention" means the Convention on the Privileges and Immunities of the United Nations;³
"Organization" means the African Development Bank.

Privileges and immunities

3. (1) The Organization shall have in Canada the legal capacities of a body corporate and shall, to the extent provided in sections 50 to 55 and subsections 57 (1), (3) and (4) of the Agreement, 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 have in Canada, to the extent provided in section 56 and subsection 57 (2) of the Agreement, the privileges and immunities set forth in article IV of the Convention for representatives of members.

(3) Officials of the Organization shall have in Canada, to the extent provided in section 56 and subsection 57 (2) of the Agreement, the privileges and immunities set forth in article V of the Convention for officials of the United Nations.

* The notes to each chapter are to be found at the end of that particular chapter.

(4) Experts performing missions for the Organization shall have in Canada, to the extent provided in section 56 and subsection 57 (2) of the Agreement, 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.

(b) INTERREGIONAL EXPERTS MEETING ON VICTIMS OF CRIME,
PRIVILEGES AND IMMUNITIES ORDER 1984

P.C. 1984-2040 14 June 1984

Her 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 in Canada of the participants to the Interregional Preparatory Meeting of Experts on victims of crime for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES IN CANADA OF THE PARTICIPANTS
TO THE INTERREGIONAL PREPARATORY MEETING OF EXPERTS ON VICTIMS OF CRIME
FOR THE SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND
THE TREATMENT OF OFFENDERS

Short title

1. This Order may be cited as the *Interregional Experts Meeting on Victims of Crime, Privileges and Immunities Order 1984*.

Interpretation

2. In this Order,

"Convention" means the Convention on the Privileges and Immunities of the United Nations;

"Meeting" means the Interregional Preparatory Meeting of Experts on Victims of Crime for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Ottawa from July 9, 1984, to July 13, 1984;

"officials of the Organization" includes all persons invited or required to attend or service the meeting on behalf of the United Nations;

"Organization" means the United Nations;

"experts performing missions for the Organization" means experts who are invited by the United Nations to attend the meeting.

Privileges and immunities

3. (1) During the period commencing on July 2, 1984, and terminating on July 20, 1984, officials of the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in article V of the Convention for officials of the United Nations.

(2) During the period commencing on July 2, 1984, and terminating on July 20, 1984, experts performing missions for the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in article VI of the Convention for experts on missions for the United Nations.

(c) EXPO '86 PRIVILEGES AND IMMUNITIES ORDER

P.C. 1984-3415 25 October 1984

Her 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 granting of certain privileges and immunities in connection with the 1986 World Exposition.

ORDER RESPECTING THE GRANTING OF CERTAIN PRIVILEGES AND IMMUNITIES IN
CONNECTION WITH THE 1986 WORLD EXPOSITION

Short title

1. This Order may be cited as the *EXPO '86 Privileges and Immunities Order*.

Interpretation

2. In this Order,
"Commissioners General and Deputy Commissioners General" means persons formally designated to the Government of Canada for the purpose of representing the Governments of States participating in EXPO '86;
"Convention" means the Convention on the Privileges and Immunities of the United Nations as set out in Schedule I of the *Privileges and Immunities (International Organizations) Act*;
"EXPO '86" means the 1986 World Exposition to be held in Vancouver in 1986;
"Officials of the Organization" means the Secretary General, the President and the Vice-Presidents of the Organization and all delegates sent by the President on official missions to the EXPO '86;
"Organization" means the international organization known as "The International Bureau of Expositions", of which Canada is a member, and the primary purpose of which is the maintenance of the economic and social well-being of the community of nations.

Privileges and immunities

3. The Organization shall have, in Canada, the legal capacities of a body corporate and shall have, in Canada, to such extent as may be required for the performance of its functions in Canada in relation to EXPO '86, the privileges and immunities set forth in articles II and III of the Convention.

4. Representatives, including Commissioners General and Deputy Commissioners General, of the Governments of States that are members of the Organization shall have, in Canada, to such extent as may be required for the performance of their functions in Canada in relation to EXPO '86, the privileges and immunities set forth in article IV of the Convention for representatives of members.

5. Officials of the Organization shall have, in Canada, to such extent as may be required for the performance of their functions in Canada in relation to EXPO '86, the privileges and immunities set forth in article V of the Convention for officials of the United Nations.

Expiry

6. This Order shall cease to be in force on January 31, 1987.

2. Denmark

ACT NO. 567 of 30 NOVEMBER 1983 ON RIGHTS AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS, ETC.

1. (1) By international agreement an international organization or institution of which Denmark is a member may be accorded such special rights and immunities as are necessary for accomplishing the objectives of the organization or institution and ensuring independent exercise of the functions incident thereto.

(2) Corresponding rights and immunities may be accorded to

- (i) representatives and envoys of States Parties;
- (ii) officials and others acting on behalf of the organization or institution;
- (iii) experts exercising functions for the organization or institution;
- (iv) persons taking part in proceedings before the organization or institution.

2. The competent Minister may take appropriate measures to carry into effect the agreements referred to in section 1.

3. (1) This Act shall enter into force on 1 January 1984.

(2) Act No. 72 of 7 March 1952 on Rights and Immunities of International Organizations, etc., shall be repealed.

Done at Christiansborg Palace on 30 November 1983.

Under my royal hand and seal

MARGRETHE R.

/

UFFE ELLEMANN-JENSEN

3. Dominican Republic

REGULATIONS NO. 2431 OF 13 OCTOBER 1984 ON THE GRANTING OF EXEMPTIONS AND PRIVILEGES TO DIPLOMATIC AND CONSULAR MISSIONS AND STAFF, CONSULAR AGENTS AND INTERNATIONAL ORGANIZATIONS AND OFFICIALS⁴

CHAPTER III. INTERNATIONAL ORGANIZATIONS AND OFFICIALS

Section VII

INTERNATIONAL ORGANIZATIONS

Article 19. ESTABLISHMENT. Any articles or items intended for the establishment of the organization may be imported in quantities sufficient for its needs, in the judgement of the Ministry of Foreign Affairs.

Article 20. AUTOMOBILES. International organizations with offices established in the country may import free of duty and charges any vehicles required for use exclusively in connection with their official activities, in the judgement of the Ministry of Foreign Affairs, and valued at not more than \$US 8,000.00 F.O.B. each. Such vehicles may not be transferred to private ownership within a period of five (5) years from the date of their entry into the country.

Article 21. The organizations may request a quota of beverages for receptions organized in connection with the holding of international events of direct concern to them or with

official visits to their premises. This quota shall be subject to authorization by the Ministry of Foreign Affairs.

Section VIII

RESIDENT REPRESENTATIVES AND DIRECTORS

Article 22. ESTABLISHMENT. They may import free of taxes and charges articles intended for their personal use up to the value of \$US 30,000.00.

Article 23. AUTOMOBILE. They may import at the time of their installation one (1) tax-exempt automobile valued at not more than \$US 10,000.00 F.O.B. They may sell the automobile tax-free two years from the date of registration, and import another, if necessary, under the conditions stipulated by Law.

Article 24. BEVERAGES. Resident representatives and directors of international organizations shall be entitled to an annual quota of 55 cases,...

Section IX

DEPUTY REPRESENTATIVES AND ASSISTANT DIRECTORS

Article 25. ESTABLISHMENT. They may import free of taxes and charges articles intended for their personal use, up to the value of \$US 25,000.00.

Article 26. AUTOMOBILE. They may import at the time of their installation one (1) tax-exempt automobile valued at not more than \$US 8,500.00 F.O.B. They may sell the automobile tax-free two years from the date of registration and import another, if necessary, under the conditions stipulated by Law.

Article 27. BEVERAGES. Deputy representatives and assistant directors of international organizations shall be entitled to an annual quota of 37 cases,...

Section X

INTERNATIONAL OFFICIALS, TECHNICIANS AND EXPERTS

Article 28. ESTABLISHMENT. Officials, technicians and experts of international organizations who are recruited for a term of not less than one year and six months may, provided that they are not Dominican nationals, import free of taxes and charges articles for their personal use, up to the value of \$US 15,000.00.

Article 29. AUTOMOBILE. Officials, technicians and experts of international organizations who are recruited for a term of not less than one year and six months may import at the time of their installation a tax-exempt vehicle valued at not more than \$US 7,500.00 F.O.B. They may sell the vehicle tax-free after three years of use and purchase a new vehicle under the conditions established, failing which they shall be liable for tax *pro rata*. It is understood that this privilege shall extend only to those officials, technicians and experts who are not Dominican nationals.

Article 30. BEVERAGES. Officials, technicians and experts of international organizations who are not Dominican nationals and are recruited for a term of not less than one year shall be entitled to an annual quota of 20 cases,...

CHAPTER IV. QUOTAS FOR FREE-ZONE PURCHASES

Article 31. Diplomatic, consular and international staff may purchase in the free zones of Santo Domingo cut tobacco, domestic and foreign cigarettes and perfumes and cosmetics up to the values specified below:

- (a) The head of mission—up to the value of \$US 2,000.00 annually;

- (b) Ministers, minister-counsellors, resident representatives and directors of international organizations—up to the value of \$US 1,500.00 annually;
- (c) Advisers; first, second and third secretaries; deputy representatives and assistant directors—up to the value of \$US 1,000.00 annually;
- (d) Military, commercial, cultural and civil attachés—up to the value of \$US 800.00 annually;
- (e) Non-diplomatic personnel assigned to diplomatic representations in accordance with the provisions of article 5 of Law No. 97 and officials, technicians and experts on contract with international organizations who are not Dominicans—up to the value of \$US 500.00 annually;
- (f) Consuls-General—up to the value of \$US 1,500.00 annually;
- (g) Consuls and vice-consuls—up to the value of \$US 1,000.00 annually.

CHAPTER V. GENERAL PROVISIONS

Article 32. All the exemptions relating to diplomatic missions and staff, and to consuls and consular agents, shall be subject to the strictest criterion of reciprocity, and may in no case exceed the limit established in these Regulations.

Only paid staff who are nationals of the accrediting country and are not engaged in gainful employment in Dominican territory shall enjoy the benefits established in these Regulations.

Article 33. None of the exemptions granted under these Regulations may be transferred to third parties until the period of time fixed in these Regulations has expired or the required duties have been paid.

Article 34. Licence plates used on vehicles which are exempt from tax under these Regulations shall also be exempt from tax and shall be returned to the competent authorities if the vehicle is sold.

Article 35. In the event of damage to a vehicle which is tax-exempt under these Regulations, the Ministry of Foreign Affairs may, where such damage renders the vehicle unusable, authorize its sale for scrap and the tax-free import of another vehicle as a replacement, even if the time-periods established in these Regulations have not expired.

Entitlements in respect of quotas applicable to officials, technicians and experts of international organizations shall be exercised directly by the employer organization, which shall thereafter effect the individual distributions.

Article 36. Diplomatic and consular missions and international organizations established in the country shall report staff changes to the Ministry of Foreign Affairs every four (4) months.

Article 37. Diplomatic, consular and international staff may import articles for the purpose of replacing personal effects needed for their establishment, up to the following values:

- (a) The head of mission—\$US 2,000.00 annually;
- (V) Other members of a mission, and members of international organizations—\$US 1,000.00 annually;
- (c) The Consul-General—\$US 1,000.00 annually;
- (d) Consuls and vice-consuls—\$US 800.00 annually.

4. Ecuador

LAW ON DIPLOMATIC IMMUNITIES, PRIVILEGES AND EXEMPTIONS⁵

Chapter IV. IMMUNITIES, PRIVILEGES AND EXEMPTIONS GRANTED TO STAFF MEMBERS OF INTERNATIONAL ORGANIZATIONS

Article 56. Officials, experts or technicians of international organizations of which the country is a member shall enjoy the privileges, immunities and exemptions which are expressly stipulated in the agreements signed by the national Government or which are provided for in multilateral conventions governing the matter to which Ecuador is a party. Such rights may be invoked in bilateral conventions only at the initiative of the Ministry of Foreign Affairs and the Ministry of Finance.

Article 57. As an essential condition for enjoying the privileges, the official, expert or technician must have the status of international civil servant, in accordance with the provisions relating to personnel in force in the international organization in question. These rights may be invoked only by officials who, in addition to being officially remunerated, are engaged solely in their official tasks and are required to remain in the country for at least one year.

Article 58. Where the agreement in question provides for the free entry of their personal property, qualified international civil servants shall be subject to the following quotas:

The head of the mission or office of an international organization, up to the value of \$US 6,900.00 F.O.B. in the first year and \$US 2,700.00 every year thereafter.

Other international officials, experts and technicians assigned to the mission or office of an international organization, up to the value of \$US 5,700.00 F.O.B. in the first year and \$US 2,200.00 every year thereafter.

Article 59. The head of the mission or office of an international organization which is not Ecuadorian, may import, duty-free, an automobile at a value of up to \$US 12,580.00 ex-factory.

Other officials, experts and technicians assigned to the same mission or office of an international organization, provided they are not Ecuadorian, may import, duty-free, an automobile at a value of up to \$US 10,870.00 ex-factory.

The officials mentioned in the preceding paragraphs may sell imported automobiles only after a period of three years from the date on which the vehicle enters the country. If the official is transferred or his contract ends before his vehicle has been in the country for the required length of time, he must pay duties and taxes to cover the time remaining until the automobile would have been in the country three years, at the rate of 1/36 of the total amount of duties and other taxes for every month short of that period.

The principle of international reciprocity shall not be applicable to the import and sale of vehicles of officials covered by this chapter.

Article 60. In no instance shall the provisions of, or omissions in, the law be interpreted as constituting an advantage for officials of international organizations over the treatment accorded diplomatic and consular staff.

Article 61. Imports by technicians and experts of international organizations, within the quotas established, shall be subject to the provisions of articles 27, 28 and 30 of this Law.

These officials shall also be subject to the limitations and liabilities set forth in articles 31, 32, 33, 34, 35 and 36 of this Law.

Chapter V. IMMUNITIES AND PRIVILEGES OF DIPLOMATIC AND CONSULAR MISSIONS AND MISSIONS OF INTERNATIONAL ORGANIZATIONS

Article 62. Diplomatic missions, consular offices and offices of international organizations may import only the following items duty-free, for official use: official emblems, flags,

coats of arms, writing implements, forms, furniture and materials for the construction and maintenance of their headquarters.

Article 63. Subject to the principle of reciprocity, every diplomatic mission and mission of an international organization may import a vehicle every four years for official use and additional vehicles based on the number of staff, up to a limit to be fixed at the discretion of the Ministry of Foreign Affairs or the Ministry of Finance.

Article 64. The premises of diplomatic missions, consular offices and offices of international organizations, together with their property and archives, shall be inviolable and shall enjoy immunity from search and seizure, requisition, confiscation, expropriation and any other form of action, whether on the part of the administrative, executive, judicial or legislative authorities, except in cases expressly contemplated in the respective law.

Article 65. Exemptions on excise tax, property registration fees and other taxes on the transfer of property shall be granted when such taxes are to be levied on foreign Governments for the acquisition of premises or buildings for their diplomatic and consular offices and residences. In this case, the request must be addressed to the Ministry of Foreign Affairs and it shall be signed by the head of the diplomatic mission in question and shall constitute an official record of the requesting Government's offer and undertaking to grant the same exemptions to the Government of Ecuador, in accordance with the principle of reciprocity, whenever the Government of Ecuador requests similar exemption for the acquisition of real property for official use by its missions.

Article 66. Buildings and premises owned by diplomatic and consular missions shall not be subject to payment of national or municipal property taxes, provided that their respective Governments grant the same concessions on the buildings and premises of Ecuadorian missions or undertake to do so on future properties.

Article 67. The above rules shall apply to buildings and premises belonging to international organizations, which shall enjoy the exemptions referred to in articles 65 and 66, provided that such exemptions are granted in the relevant agreements with those organizations.

NOTES

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), (United Nations publication, Sales No. 60.V.2), p. 10; and *Juridical Yearbook* 1965, p. 3.

² United Nations, *Treaty Series*, vol. 510, p. 46.

³ *Ibid.*, vol. 1, p. 15.

* Translation prepared by the Secretariat of the United Nations on the basis of a Spanish version provided by the Permanent Mission of the Dominican Republic to the United Nations.

⁵ Translation prepared by the Secretariat of the United Nations on the basis of a Spanish version provided by the Permanent Mission of Ecuador to the United Nations.