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UNITED NATIONS JURIDICAL YEARBOOK

1988

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 INTERGOVERN- MENTAL ORGANIZATIONS

1. Canada

PRIVILEGES AND IMMUNITIES (INTERNATIONAL ORGANIZATIONS) ACT¹

UNITED NATIONS INTER-REGIONAL TRAINING COURSE ON TOPONYMY PRIVILEGES
AND IMMUNITIES ORDER, 1988²

P.C. 1988-1250 23 JUNE, 1988

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 in the United Nations Inter-regional Training Course on Toponymy.

ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES IN CANADA OF THE PARTICIPANTS
IN THE UNITED NATIONS INTER-REGIONAL TRAINING COURSE ON TOPONYMY

Short Title

1. This Order may be cited as the *United Nations Inter-regional Training Course on Toponymy Privileges and Immunities Order, 1988*.

Interpretation

2. In this Order,

“Convention” means the Convention on the Privileges and Immunities of the United Nations; (*Convention*)³

“experts performing missions for the Organization” means governmental or intergovernmental experts who are invited by the Organization to attend the Meeting; (*experts qui accomplissent des missions pour l'organisation*)

“Meeting” means the United Nations Inter-regional Training Course on Toponymy to be held in Quebec City from August 7 to 20, 1988; (*réunion*)

“officials of the Organization” means all persons required to attend the Meeting on behalf of the Organization; (*fonctionnaires de l'organisation*)

“Organization” means the United Nations Department of Technical Cooperation for Development (*organisation*)

Privileges and Immunities

3. (1) During the period beginning on August 1, 1988 and ending on August 28, 1988, the Organization shall have in Canada the privileges and immunities set forth in Article II of the Convention.

(2) During the period beginning on August 1, 1988 and ending on August 28, 1988, officials of the Organization shall have in Canada, to such extent as may be required for the exercise of their functions in Canada in relation to the Meeting, the privileges and immunities set forth in Article V of the Convention.

(3) During the period beginning on August 1, 1988 and ending on August 28, 1988, experts performing missions for the Organization shall have in Canada, to such extent as may be required for the exercise of their functions in Canada in relation to the Meeting, the privileges and immunities set forth in Article VI of the Convention.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Order.)

Description

The purpose of the Order is to grant to the Department of Technical Cooperation for Development of the United Nations, to such extent as may be required for the exercise of its functions in Canada, the privileges and immunities set forth in Article II of the Convention on the Privileges and Immunities of the United Nations and to grant to participants in the Meeting, to such extent as may be required for the exercise of their functions, privileges and immunities set forth in Articles V and VI of the Convention. The United Nations Inter-regional Training Course on Toponymy will be held in Quebec City from 7 to 20 August, 1988.

The Articles of the Convention provide the Organization with certain privileges and immunities such as immunity from legal process and the inviolability of its archives. They also provide, for the benefit of non-Canadian officials and experts participating in the meeting, privileges and immunities such as immunity from personal arrest or detention, exemption from immigration restrictions, and diplomatic immunities in respect of their personal baggage. The Order will be valid for a limited period commencing August 1 and terminating August 28, 1988. It is required to allow the Government of Canada to perform its responsibilities as the host of the meeting.

Alternatives Considered

To meet the objective which is to allow the Government of Canada to fulfill its obligations as host of the Conference, there is no alternative but to have this Order.

Consistency with Regulatory Policy and Citizens' Code

Early notice of this Order was given in the 1988 Federal Regulatory Plan (323-DEA). This Order is consistent with the Regulatory Policy and Citizens' Code.

Anticipated Impact

We anticipate no impact on any of the sectors of the Canadian economy.

Consultation

The Order follows consultations with the Department of Energy, Mines and Resources and the Privy Council Office Section of the Department of Justice.

Compliance Mechanism

The nature of the Order is protective. Therefore, no enforcement is intended in this case.

2. Papua New Guinea

UNITED NATIONS AND SPECIALIZED AGENCIES (PRIVILEGES AND IMMUNITIES) ACT⁴

CHAPTER No. 88.

United Nations and Specialized Agencies (Privileges and Immunities)

GENERAL ANNOTATION

Administration

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), while the administration of this Chapter was not vested specifically in any Minister it seems from the determination of the functions of Departments that it came within the responsibility of the Department of Foreign Affairs and Trade.

Accordingly, unless some different intention is clearly indicated, by note or in the text, it seems that references in or in relation to this Chapter to —

“the Minister” — should be read as references to the Minister for Foreign Affairs and Trade;

“the Departmental Head” — should be read as references to the Secretary for Foreign Affairs and Trade;¹

“the Department” — should be read as references to the Department of Foreign Affairs and Trade.²

Being an Act relating to the privileges and immunities of the United Nations and the Specialized Agencies, and for other purposes.

PART I. PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

1. Interpretation of Part I.

In this Part, “the Convention” means the General Convention on the Privileges and Immunities of the United Nations which was adopted by the General Assembly of the United Nations on 13 February 1946 and a copy of which is set out in Schedule 1.

2. Juridical status of United Nations.

(1) The United Nations —

(a) is a corporation with perpetual succession; and

(b) has the capacity to contract; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

(2) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the United Nations affixed to a document and shall presume that it was duly affixed.

3. Privileges and immunities.

The United Nations or a person in relation to whom the Convention applies has the privileges and immunities applicable under the Convention to the United Nations or that person, as the case may be, in Papua New Guinea.

4. Evidence.

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

(a) a specified country was a Member of the United Nations; or

(b) a specified body was a principal or subsidiary organ of the United Nations; or

(c) a specified conference was a conference convened by the United Nations; or

(d) a specified person was —

(i) a representative of a Member of the United Nations to an organ of the United Nations or a conference convened by the United Nations; or

(ii) included in the category of officials of the United Nations to which Articles V and VII of the Convention applied; or

(iii) an expert (other than an official coming within the scope of Article V of the Convention) performing a mission for the United Nations,

is evidence of the matter so certified.

PART II. — PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

5. Interpretation of Part II.

In this Part, unless the contrary intention appears —

“Specialized Agency” means —

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

“the Convention” means the Convention, a copy of which is set out in Schedule 2, as modified by the Annexes set out in that Schedule.

6. Juridical status of Specialized Agencies.

- (1) Each Specialized Agency —
 - (a) is a corporation with perpetual succession; and
 - (b) has the capacity to contract; and
 - (c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.
- (2) All courts, Judges and persons acting judicially shall take judicial notice of the seal of a Specialized Agency affixed to a document and shall presume that it was duly affixed.

7. Privileges and immunities.

- (1) Each Specialized Agency and each person in relation to whom the Convention applies has the privileges and immunities applicable under the Convention (other than those referred to in Section 11 of the Convention) to that specialized agency or that person, as the case may be, in Papua New Guinea.
- (2) A Specialized Agency has the right to avail itself, for telegraphic communications sent by it and containing only matters for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Papua New Guinea), of the reduced rates applicable for the dispatch of press telegrams.

8. Evidence.

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

(a) a specified State, country or Government was a Member of a Specialized Agency; or

(b) a specified meeting was a meeting convened by a Specialized Agency or a meeting within the meaning of Section 1(vi) of the Convention; or

(c) a specified person was —

- (i) a representative of a member of a Specialized Agency at a meeting referred to in Paragraph (b); or
- (ii) included in a category of officials of a Specialized Agency to which Articles VI and VIII of the Convention applied; or
- (iii) on the grounds stated in the certificate, a person entitled under the Convention to privileges and immunities applicable under the Convention,

is evidence of the matter so certified.

PART III. MISCELLANEOUS

9. Protection of names, etc.

(1) Except with the consent in writing of the Minister, a person must not —

(a) use the name or an abbreviation of the name of the United Nations or a Specialized Agency in connection 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 the United Nations or a Specialized Agency; or
- (ii) a seal, emblem or device so nearly resembling the official seal or emblem of the United Nations or a Specialized Agency 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 the United Nations or a Specialized Agency.

Penalty: A fine not exceeding K100.00.

(2) Where, without the consent in writing of the Minister, the name or an abbreviation of the name of the United Nations or a Specialized Agency, or a seal, emblem or device referred to in Subsection (1)(b) —

(a) is used as, or as part of, the name, seal or emblem of an association; or

(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 connection 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 corporation — the association; or

(e) if the association is not a corporation — every member of the governing body of the association,

is guilty of an offence.

(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 the United Nations or a Specialized Agency if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connection with the organization, unless the prosecution proves that the use was intended to imply such a connection.

(4) The conviction of a person of an offence against 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 the United Nations or a Specialized Agency shall be deemed to be an abbreviation of the name of the United Nations or that Specialized Agency, as the case may be; and

(b) if a seal or emblem is declared by regulations made under this Act to be the official seal or emblem of the United Nations or a Specialized Agency, that seal or emblem shall be taken to be the official seal or emblem of the United Nations or that Specialized Agency, as the case may be.

(6) Proceedings under this section shall not be instituted without the consent in writing of the Minister.¹

10. Regulations.

The Head of State acting on advice may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULES

SCHEDULE 1

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.

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SCHEDULE 2

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.

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NOTES

¹Statutes of Canada.

²See *Canada Gazette*, part II, vol. 122, No. 14.

³United Nations, *Treaty Series*, vol. 1, p. 15.

⁴United Nations Act enacted by the Government of Papua New Guinea, and provided by the United Nations Permanent Mission of Papua New Guinea.

⁵United Nations, *Treaty Series*, vol. 33, p. 261.