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UNITED NATIONS JURIDICAL YEARBOOK

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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. Finland

(a) ACT ON THE PRIVILEGES AND IMMUNITIES OF INTERNATIONAL CONFERENCES AND SPECIAL MISSIONS

Enacted in Helsinki on 15 June 1973¹ and amended on 20 December 1991

Section 1

This Act shall apply to intergovernmental conferences organized in Finland at the invitation or with the consent of the Government of Finland, to delegations of foreign States attending such conferences as well as to special missions of foreign States sent here with the consent of the Government of Finland and with functions mutually agreed upon by the respective States.

The provisions of this Act, applicable to conferences, shall similarly apply to intergovernmental negotiations for the arrangement of such conferences and to secretariats and other bodies appointed to be responsible for functions related therewith.²

Section 2²

For the purposes of this Act:

(1) The “head of a delegation or a special mission” is the person appointed by the sending State with the duty of acting in that capacity,

(2) The “members of a delegation” are the head of the delegation, the conference representatives, the observers and the members of the staff,

(3) A “conference representative” is a member of a delegation appointed by the sending State to represent that State at the conference,

(4) An “observer” is a person appointed by the sending State to follow the work of the conference,

(5) The “members of a special mission” are the head of the mission and the members of the staff,

(6) The “members of the staff” are members of the delegation or the special mission who have diplomatic status or who perform administrative or technical functions,

(7) The “members of the conference secretariat” are persons employed in the administrative and technical service of the conference,

(8) The “members of the service staff” are persons in the domestic service of the delegation or the special mission,

(9) The “private servants” are persons employed in the private domestic service of the members of the delegation or the special mission,

(10) The “conference premises”, irrespective of ownership, are the buildings and any part thereof as well as areas in their close vicinity used for the purposes of the conference,

(11) The “premises of the delegation or special mission”, irrespective of ownership, are the buildings and any part thereof as well as areas in their close vicinity used for the purposes of the delegation or the special mission,

(12) The “private residence of a member of the delegation or the special mission”, irrespective of ownership, is the building, apartment, part thereof or any other room used for the private accommodation of the aforementioned persons.

Section 3

Subject to the provisions of section 4, the conference premises and any documents or other property therein shall for the duration of the conference be inviolable.

The above provisions on conference premises shall, similarly, apply to premises reserved for negotiations and functions referred to in section 1, paragraph 2.

Section 4

The police and other appropriate authorities shall be responsible for the inviolability of the conference premises and the security of persons therein as well as for maintaining order as agreed upon with the heads of the conference in each case or whenever there is a special reason for so doing.

The authorities may, where appropriate, restrict the entry into and movement within the area and immediate vicinity of the conference premises of persons or vehicles lacking the required permit.

Section 5

The head of a foreign State, the head of the Government, the Minister for Foreign Affairs and other persons of high rank, in the capacity of head or member of a delegation or special mission, shall, in addition to what is provided in this Act, enjoy all the privileges and immunities accorded such persons by international law and custom.

Section 6

The premises of the delegation or special mission as well as any property therein shall be inviolable. The authorities shall not enter the said premises except with the consent of the head of the delegation or the special mission. Such consent is not required in case of fire or other comparable emergency.

The archives and documents of the delegation or the special mission shall be inviolable wherever located.

The premises of the delegation or special mission, their property and vehicles, irrespective of ownership, shall be immune from search, requisition, attachment and other execution measures.

Section 7

The sending State is, as shall be specified in decree, exempt from national or municipal taxes in respect of the premises and property of the delegation or special mission. The same exemption shall apply to all dues other than such as are charged for specific services related to the said premises and property. This

exemption does not apply to taxes or dues payable under Finnish law by persons who have undertaken legal transactions with the delegation or the special mission.

The sending State shall also be exempt from customs duties and import tax and related charges in respect of articles intended for the official use of the delegation or the special mission.

Section 8

The delegation or special mission shall have the same right as diplomatic missions in Finland to send and receive information and messages and, for this purpose, employ all appropriate means, including couriers and messages in code or cipher.

The delegation or special mission shall have the right to use a wireless transmitter only with the consent of the Ministry of Transport and Communications.

Section 9

The person or members of the delegation or the special mission and of their family members shall be inviolable.

The private accommodation and property of the above persons shall enjoy the same inviolability as the premises and property of the delegation or special mission.

Section 10

The members of the delegation or the special mission shall enjoy the same immunity from criminal, civil and administrative jurisdiction and executive power as the members of diplomatic missions in Finland, unless this immunity has been waived in due order.

The immunities referred to in paragraph 1 above include the right to refrain from giving evidence as a witness.

The members of the conference secretariat and service staff who are not nationals of or permanently resident in Finland shall enjoy the immunities referred to in paragraph 1 in respect of acts performed in the course of their duties.

Where Finland and a foreign State have concluded an agreement on restricting the immunities referred to in this section, such agreement shall be applicable.²

Section 11

Members of the delegation or the special mission and their family members shall be exempt from social security obligations applicable in Finland in respect of service for the sending State. The same shall apply to members of the service staff and private servants who are not nationals of or permanently resident in Finland, provided that they are subject to social security legislation of the sending State or a third State.

The provisions of paragraph 1 above shall be without prejudice to any social security agreement concluded between Finland and a foreign State and shall not preclude the conclusion of such agreements in the future.²

A decree may be issued to the effect that in special cases the members of a conference secretariat who are not nationals of or permanently resident in Fin-

land shall not be subject to Finnish laws governing social security and conditions of employment.²

Section 12²

Members of the delegation or the special mission who are not nationals of or permanently resident in Finland immediately prior to their first entry in Finland in this capacity shall be exempt from all national or municipal taxes and dues in the same manner as members of the staff of diplomatic missions in Finland.

The members of a conference secretariat and service staff as well as private servants who are not nationals of or permanently resident in Finland immediately prior to concluding the contract of employment shall be exempt from national and municipal taxes in respect of income earned in that capacity.

Section 13²

Members of the delegation or the special mission, their family members and members of the conference secretariat who are not nationals of or permanently resident in Finland shall be exempt from all public service and other obligations.

Section 14

Members of the delegation or the special mission and their family members shall be exempt from all customs duties and all import taxes and charges in the same manner as members of diplomatic missions in Finland.

Similarly, persons referred to in paragraph 1 above as well as their personal baggage shall be exempt from customs inspection.

Members of the conference secretariat who are not nationals of or permanently resident in Finland immediately prior to concluding the contract of employment may, at the time of assuming charge of their duties, import any goods intended for their personal use exempt from customs duties, import tax or related charges, provided that the goods are not sold or otherwise transferred to any other person in Finland.

Section 15

Members of the delegation or the special mission who are nationals of or permanently resident in Finland shall enjoy the privileges and immunities referred to in sections 9 to 11, 13 and 14 exclusively in respect of acts performed in the exercise of their official duties.

Family members of the members of the delegation or the special mission shall enjoy the privileges and immunities referred to in sections 9 to 14 only if they are not nationals of or permanently resident in Finland.

Section 16

The commencement and termination of the privileges and immunities referred to in this Act shall be subject to the same provisions as those governing the privileges and immunities of the members of diplomatic missions in Finland.

Section 17

The appropriate state and municipal authorities shall be responsible for ensuring compliance with rules and regulations relative to the privileges and immunities referred to in this Act and any provision issued by virtue thereof.

The authorities shall in particular ensure that persons entitled to these benefits are protected and that their sojourn and activities here are promoted and facilitated by all appropriate means and that their treatment otherwise is compatible with their status.

Section 18

Whosoever impedes or otherwise deliberately obstructs enjoyment of the privileges or immunities referred to in this Act shall be sentenced to a fine or imprisonment of no more than two years, unless a more severe punishment is provided elsewhere in the law.

Section 19

The application of the provisions of this Act may be extended by decree to include delegations and members of delegations of intergovernmental organizations.

Section 20

More detailed provisions on the enforcement or application of this Act may be issued, as appropriate, by decree.

This Act shall enter into force on 1 July 1973.

(Implementing provision for the amendments of 20 December 1991: This Act shall enter into force on 1 January 1992.)

(b) DECREE ON THE PRIVILEGES AND IMMUNITIES OF INTERNATIONAL CONFERENCES AND SPECIAL MISSIONS

Issued in Helsinki on 14 September 1973³ and amended on 20 December 1991⁴

Upon presentation by the Minister for Foreign Affairs the following shall be enacted by virtue of section 7, paragraph 1, and sections 19 and 20 of the Act on the Privileges and Immunities of International Conferences and Special Missions of 15 June 1973:¹

Section 1

(repealed)⁴

Section 2

Appropriate authorities who in addition to the police shall be responsible for the inviolability of the conference premises and the security of persons therein as well as for maintaining order as referred to in section 4 of the Act on the Privileges and Immunities of International Conferences and Special Missions,¹ hereinafter referred to as the Privilege Act, are the ministry or the national board specifically designated to be in charge of the organization of that conference.⁴

Any person appointed by that ministry or national board to ensure security and order may be accorded police powers in accordance with special provisions therefor.

The entry permits referred to in the Privilege Act, section 4, paragraph 2, for persons and vehicles to the area where the conference premises are located as well as permits for moving about in the immediate vicinity of the premises,

shall be issued by the head of the conference, where appropriate, after consultation with the chief of the police district.

Parking places used exclusively for the purposes of the conference shall be considered the immediate vicinity of the premises.

Section 3⁴

The sending State shall be exempt from the following national or municipal taxes in respect of the premises and any property reserved for the immediate use of the delegation or special mission:

- (a) national income and property tax,
- (b) municipal income tax,
- (c) stamp tax on real property deeds of transfer,
- (d) stamp tax on deeds of transfer of rented lots and buildings located in urban community,
- (e) stamp tax on sale or exchange of deed of title to part of condominium.

Section 4

Any person entitled to the privileges and immunities referred to in the Privilege Act may be required by the appropriate authorities to present a certificate or pass approved by the Ministry of Foreign Affairs in order to prove his or her right to enjoy the said privileges and immunities.

In case of any uncertainty in respect of the application of the provisions of the Privilege Act concerning conference or other premises, a statement shall be requested from the Ministry of Foreign Affairs.

Section 5

For the purposes of the Privilege Act a family member means the spouse, child or other close relative living in the same household with the members of the delegation or special mission.

The service staff is considered to include chauffeurs, porters, messengers and other persons with similar duties.

Section 6

(repealed)⁴

Section 7⁴

In case of death of a member, or family member, of a delegation or special mission, or of a member of conference secretariat, the personal property of the deceased may be freely exported, with the exception of any property acquired in Finland of which the export, at the time of the death, was generally prohibited and provided that the deceased was not a national of or permanently resident in Finland.

Section 8⁴

The provisions of the Privilege Act shall apply to the delegations of the following intergovernmental organizations and their members:

- United Nations and its specialized agencies;
- International Atomic Energy Agency (IAEA);
- Asian Development Bank (ADB);

Council of Europe;
European Free Trade Association (EFTA);
World Intellectual Property Organization (WIPO);
Nordic Council;
Organization for Economic Cooperation and Development (OECD);
International Telecommunications Satellite Organization (INTELSAT);
General Agreement on Tariffs and Trade (GATT);
Customs Cooperation Council (CCC).

(Implementing provision for the amendments of 20 December 1991: This Decree shall enter into force on 1 January 1992.)

(c) **DECREE ON AMENDING THE DECREE ON THE PRIVILEGES AND IMMUNITIES OF INTERNATIONAL CONFERENCES AND SPECIAL MISSIONS**

Issued in Helsinki on 13 March 1992

Upon presentation by the Minister for Foreign Affairs shall be amended section 8 of the Decree on the Privileges and Immunities of International Conferences and Special Missions issued on 14 September 1973,³ earlier amended by the decree of 20 December 1991.⁴

Section 8

The provisions of the Privileges Act shall apply to the delegations and members of delegations of the following intergovernmental organizations:

United Nations and its specialized agencies;
International Atomic Energy Agency (IAEA);
Asian Development Bank (ADB);
European Bank for Reconstruction and Development (EBRD);
Council of Europe;
European Free Trade Association (EFTA);
European Communities (EC);
Western European Union (WEU);
World Intellectual Property Organization (WIPO);
North Atlantic Treaty Organization (NATO);
Nordic Council;
Organization for Economic Cooperation and Development (OECD);
International Telecommunications Satellite Organization (INTELSAT);
General Agreement on Tariffs and Trade (GATT);
Customs Cooperation Council (CCC).

This Decree shall enter into force on 18 March 1992.

2. Malaysia

ACT 485: INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT 1992⁵

An Act relating to the privileges and immunities of certain international organizations and of persons connected therewith, and for other purposes.

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the International Organizations (Privileges and Immunities) Act 1992 and shall come into force on such date as may be appointed by the Minister by notification in the *Gazette*.

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

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

“Head of mission” means a head of mission within the meaning of the Diplomatic Privileges (Vienna Convention) Act 1966;

“High officer” means a person who holds, or is performing the duties of, an office prescribed by regulations to be a high office in an international organization;

“International conference” means a conference that is attended by a person representing Malaysia and:

(a) A person representing a country other than Malaysia; or

(b) A person representing an international organization or an overseas organization;

whether or not it is also attended by another person or other persons;

“International organization” means an organization that is declared by regulations made under subsection 3(1) to be an international organization, and includes:

(a) An organ of, or office within, an organization that is so declared;

(b) A commission, council or other body established by such an organization or organ; and

(c) A committee, or subcommittee of a committee, of such an organization, organ, commission, council or body;

“Minister” means the Minister charged with the responsibility for foreign affairs;

“Overseas organization” means an organization that is declared by regulations made under subsection 3(2) to be an overseas organization, and includes:

(a) An organ of, or office within, an organization that is so declared;

(b) A commission, council or other body established by such an organization or organ;

(c) A committee, or subcommittee of a committee, of such an organization, organ, commission, council or body;

“Regulation” means regulation made under this Act.

(2) For the purposes of this Act, a person who is, or has been during any period, a member of an organ of an international organization but is not, or has not been during that period, accredited to that organ as a representative of:

(a) A country;

(b) An international organization; or

(c) An overseas organization,

shall be deemed to be, or to have been during that period, as the case may be, so accredited as a representative of the country of which he is a national.

(3) For the purposes of this Act:

(a) An alternate or deputy of, or substitute for, a representative of a country, of an international organization or of an overseas organization; and

(b) An adviser to, or expert assisting, such a representative, shall each be deemed to be a member of the official staff of the representative.

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

3. (1) The Minister may by regulations declare an organization:

(a) Of which Malaysia and a country or countries other than Malaysia are members; or

(b) That is constituted by a person or persons representing Malaysia and a person or persons representing a country or countries other than Malaysia,

to be an international organization.

(2) Subject to subsection (3), the Minister may by regulations declare:

(a) An organization the members of which are overseas countries in a particular geographical region;

(b) An organization that is constituted by persons representing overseas countries in a particular geographical region; or

(c) An organization established, or a group of organizations constituted, by:

(i) Organizations the members of which are overseas countries in a particular geographical region; or

(ii) Organizations that are constituted by persons representing overseas countries in a particular geographical region,

to be an overseas organization.

(3) Notwithstanding subsection (2), an organization shall not be declared to be an overseas organization if:

(a) Malaysia is a member of the organization; or

(b) The organization is constituted by a person or persons representing Malaysia and a person or persons representing a country or countries other than Malaysia.

4. (1) Subject to this section, and to subsections 11(3), 11(4) and 11(5), the Minister may by regulations either with or without restrictions or to the extent or subject to the conditions prescribed in such regulations:

(a) Confer upon an international organization:

(i) Juridical personality and such legal capacities as are necessary for the exercise of the powers and the performance of the functions of the organization; and

(ii) All or any of the privileges and immunities specified in the First Schedule;

- (b) Confer:
 - (i) Upon a person who is, or is performing the duties of, a high officer all or any of the privileges and immunities specified in part I of the Second Schedule; and
 - (ii) Upon a person who has ceased to be, or perform the duties of, a high officer the immunities specified in part II of the Second Schedule;
 - (c) Confer:
 - (i) Upon a person who is accredited to, or is in attendance at, an international conference convened by an international organization as a representative of:
 - (A) A country other than Malaysia;
 - (B) Another international organization; or
 - (C) An overseas organization,
 all or any of the privileges and immunities specified in part I of the Third Schedule;
 - (ii) Upon a person who has ceased to be accredited to such an organization, or has attended such a conference, as such a representative the immunities specified in part II of the Third Schedule;
 - (d) Confer:
 - (i) Upon a person (not being a high officer) who holds an office in an international organization all or any of the privileges and immunities specified in part I of the Fourth Schedule; and
 - (ii) Upon a person who has ceased to hold such an office the immunities specified in part II of the Fourth Schedule; and
 - (e) Confer:
 - (i) Upon a person who is serving on a committee, or is participating in the work, of an international organization or is performing, whether alone or jointly with other persons, a mission on behalf of such an organization all or any of the privileges and immunities specified in part I of the Fifth Schedule; and
 - (ii) Upon a person who has served on such a committee or participated in such work or has performed such a mission the immunities specified in part II of the Fifth Schedule.
- (2) The Minister may make regulations for the purpose of this section which may be of general application or may relate to:
- (a) Particular international organizations;
 - (b) Particular officers or classes of officers;
 - (c) Particular conferences, committees or missions or classes of conferences, committees or missions; or
 - (d) Representatives of particular countries or of particular international organizations or of particular overseas organizations.

(3) Where by the regulations any privileges or immunities are conferred upon a person who is accredited to, or is in attendance at an international conference convened by, an international organization as a representative of:

- (a) A country other than Malaysia;
- (b) Another international organization; or
- (c) An overseas organization,

that person is entitled to the same privileges and immunities while traveling to a place for the purpose of presenting his credentials or of attending the conference or while returning from a place after ceasing to be so accredited or after attending the conference.

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

(5) Subject to subsection (6), where by the regulations or by subsection (3) any privileges or immunities are conferred upon a person who is, or has been, a person accredited to, or in attendance at an international conference convened by, an international organization as a representative of:

- (a) A country other than Malaysia;
- (b) Another international organization; or
- (c) An overseas organization,

a person who is, or has been during any period, a member of the official staff of the first-mentioned person is entitled, in respect of that period, to the same privileges and immunities.

(6) Except as the Minister may otherwise provide by regulations, a person who is or has been a representative of:

- (a) A country other than Malaysia;
- (b) An international organization; or
- (c) An overseas organization,

or a member of the official staff of such a representative during the period when he is or was a Malaysian citizen is not entitled under this section or the regulations to any privileges or immunities, except in respect of acts and things done in his capacity as such a representative or member.

5. (1) Where:

- (a) An international conference is, or is to be, held in Malaysia; or
- (b) A mission is, or is to be, sent by:
 - (i) A country other than Malaysia; or

- (ii) An international organization or an overseas organization,
to Malaysia,

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

(2) Subject to subsections 11(3), 11(4) and 11(5) and to subsection (3) of this section, where a conference or mission has been declared by the regulations to be a conference or mission to which this section applies:

- (a) A person who is, or has been, a representative of:
 - (i) A country other than Malaysia; or
 - (ii) An international organization or an overseas organization, at the conference or on the mission is, in respect of the period in which he is, or has been, such a representative, entitled to the privileges and immunities specified in part I of the Third Schedule;

(b) A person who is, or has been, a member of the official staff of a person referred to in paragraph (a) during the whole or any part of the period referred to in that paragraph is entitled to the privileges and immunities specified in part I of the Third Schedule in respect of that period or that part of that period, as the case may be; and

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

(3) Except as the Minister may otherwise provide by regulations, a person who is, or has been, in attendance at an international conference, or engaged on a mission, to which this section applies as a representative, or as a member of the official staff of a representative of:

- (a) A country other than Malaysia; or
- (b) An international organization,

during a period when he is or was a Malaysian citizen, is not entitled under subsection (2) to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

6. The Minister may by regulations confer upon:

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

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

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

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

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

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

(a) Use the name or an abbreviation of the name of an international organization 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 an international organization;

(ii) A seal, emblem or device so nearly resembling the official seal or emblem of an international organization as to be capable of being mistaken for that seal or emblem; or

(iii) A seal, emblem or device that is capable of being taken to be the official seal or emblem of an international organization.

(2) Where, without the consent in writing of the Minister, the name or an abbreviation of the name of an international organization or a seal, emblem or device referred to in paragraph (1)(b):

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

(b) Is used as, or as part of, the name or emblem of a newspaper or magazine owned by, or published by or on behalf of, an association; or

(c) Is used by an association in connection with any activity of the association so as to imply that the association is in any way connected with that organization,

then:

(aa) If the association is a body corporate, the body corporate; or

(bb) If the association is not a body corporate, every member of the governing body of the association, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

(3) No person shall be convicted of an offence against this section in respect of the use of an abbreviation of the name of an international organization 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 under this section in respect of the use of a name, an abbreviation of a name, a seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the first-mentioned conviction.

(5) For the purposes of this section:

(a) Any combination of words or letters, or of both words and letters, that is capable of being understood as referring to an international organization shall be deemed to be an abbreviation of the name of that organization; and

(b) If a seal or emblem is declared by the regulations to be the official seal or emblem of an international organization, that seal or emblem shall be taken to be the official seal or emblem of that organization.

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

10. (1) Notwithstanding the provisions of any written law to the contrary, it shall be lawful for land in any part of the Federation or any interest in such land to be granted, alienated, leased or transferred to or owned or held by an international organization for the purposes of the organization or the residences or offices of any of the persons specified in any of the regulations made under paragraphs 4(1)(b) and 4(1)(d).

(2) Where by virtue of subsection (1) it is lawful for land or an interest in land to be granted, alienated, leased or transferred to or owned or held by an international organization, such land or interest may be granted, alienated, leased or transferred to or owned or held by such organization in its name or its behalf to or by any person nominated for the purposes of this subsection either generally or in a particular case by writing addressed to the Minister by or on behalf of such organization, as the case may be, and such organization or person, as the case may be, shall be registered accordingly as proprietor, lessee or otherwise, as the case may require, in any register kept under the provisions of the National Land Code.

(3) For the purpose of any dealing in any land or interest in any land vested in the name of any international organization, any person authorized for the purposes of this subsection either generally or in any particular case by writing addressed to the Minister by or on behalf of such organization may, by virtue of such authorization, execute all or any instruments and do any act or thing for giving effect to any dealing with such land on behalf of such organization in the same manner and to the like extent as if

such person had been authorized thereto by a valid power of attorney duly delivered under the provisions of the National Land Code.

11. (1) The Minister may make regulations for carrying into effect the objects of this Act and for prescribing all matters required or permitted by this Act to be prescribed.

(2) In particular and without prejudice to the generality of subsection (1), the regulations may:

(a) Make provisions for or in relation to the waiver of any privileges or immunities to which an international organization or person is entitled by virtue of this Act;

(b) Make provisions for giving effect to the purposes of section 7.

(3) Notwithstanding the provisions of sections 4 and 5, regulations conferring any privileges or immunities with respect to matters for which the Minister of Finance is for the time being responsible shall not be made without his concurrence.

(4) Regulations made under section 4 or 5 shall not confer on any person referred to in subparagraph 4(1)(c)(i) or in subsection 4(3) or in subsection 5(2) any immunity in respect of a civil action arising out of an accident caused by a motor vehicle or other means of transport belonging to or driven by such a person, or in respect of a traffic offence involving such a person and committed by such a person.

(5) Regulations made under section 4 or 5 shall not confer on any person or organization any privileges or immunities greater in extent than those which at the time of the making of the regulations are or are required to be conferred on that person or organization in order to give effect to any international agreement in that behalf.

12. The provisions of the Diplomatic and Consular Privileges Ordinance 1957 are amended:

(a) By repealing part III thereof; and

(b) In the manner and to the extent set out in the Sixth Schedule.

FIRST SCHEDULE

(Section 4)

PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATION

1. Immunity of the organization, and of the property and assets of, or in the custody of, or administered by, the organization, from suit and from other legal process.

2. Inviolability of property and assets of, or in the custody of, or administered by, the organization and of premises of, or occupied by, the organization.

3. Inviolability of archives.

4. Subject to section 4 of the Exchange Control Act 1953, exemption from currency and exchange restrictions.

5. Subject to compliance with such conditions as the Minister of Finance may prescribe for the protection of revenue, exemption from all duties and taxes on:

- (a) Goods imported or exported by the organization for its official use;
 - (b) Locally manufactured goods procured by the organization for its official use; and
 - (c) Official publications of the organization imported or exported by it.
6. Exemption from income tax and supplementary income taxes on the income of the organization or real property gain taxes on the gains from the disposal of the properties of the organization, as the case may be, in so far as they are derived from or transacted within the scope of its official activities.
7. Exemption from stamp duties that ordinarily would be payable by the organization.
8. Exemption from prohibitions and restrictions on the importation or exportation of:
- (a) Goods imported or exported by the organization for its official use; and
 - (b) Publications of the organization imported or exported by it.
9. Absence of censorship for official correspondence and other official communications.
10. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags and to have any such couriers or bags treated as diplomatic couriers or diplomatic bags, as the case may be.

SECOND SCHEDULE

(Section 4)

PART I

PRIVILEGES AND IMMUNITIES OF HIGH OFFICER OF INTERNATIONAL ORGANIZATION

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

PART II

IMMUNITIES OF FORMER HIGH OFFICER OF INTERNATIONAL ORGANIZATION

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

THIRD SCHEDULE

(Section 4)

PART I

PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES ACCREDITED TO, OR ATTENDING CONFERENCE CONVENED BY, INTERNA- TIONAL ORGANIZATION

- 1. Immunity from personal arrest or detention.
- 2. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.
- 3. Inviolability of papers and documents.

4. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.

5. Exemption (including exemption of the spouse of the representative) from the application of laws relating to immigration, the registration of aliens and the obligation to perform national service.

6. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign Government on a temporary mission on behalf of that Government.

7. The like privileges and immunities, not being privileges and immunities of a kind referred to in any of the preceding paragraphs, as are accorded to a head of mission, other than exemption from:

- (a) Excise duties;
- (b) Sales taxes; and
- (c) Duties on the importation or exportation of goods not forming part of personal baggage.

PART II

IMMUNITIES OF FORMER REPRESENTATIVE ACCREDITED TO, OR ATTENDING CONFERENCE CONVENED BY, INTERNATIONAL ORGANIZATION

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

FOURTH SCHEDULE

(Section 4)

PART I

PRIVILEGES AND IMMUNITIES OF OFFICER (OTHER THAN HIGH OFFICER) OF INTERNATIONAL ORGANIZATION

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

2. Exemption from income tax on official salaries and emoluments received from the organization.

3. Exemption (including exemption of spouse and children under the age of twenty-one years) from the application of laws relating to immigration and the registration of aliens.

4. Exemption from the obligation to perform national service.

5. Exemption from currency or exchange restrictions to such extent as is accorded to an official of comparable rank forming part of a diplomatic mission.

6. Repatriation facilities (including repatriation facilities for spouse and any dependent relatives) in time of international crisis.

7. The right to import furniture and personal effects, including one motor vehicle, free of duties and taxes when first taking up a post in Malaysia and to export furniture and personal effects free of duties and taxes when leaving Malaysia on termination of his functions.

PART II

IMMUNITIES OF FORMER OFFICER (OTHER THAN HIGH OFFICER)
OF INTERNATIONAL ORGANIZATION

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

FIFTH SCHEDULE

(Section 4)

PART I

PRIVILEGES AND IMMUNITIES OF PERSONS SERVING ON COMMITTEE OR PARTICIPATING IN WORK OF, OR PERFORMING MISSION ON BEHALF OF, INTERNATIONAL ORGANIZATION

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

PART II

IMMUNITIES OF PERSON WHO HAS SERVED ON COMMITTEE OR PARTICIPATED IN WORK OF, OR PERFORMED MISSION ON BEHALF OF, INTERNATIONAL ORGANIZATION

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

SIXTH SCHEDULE

(Section 12)

AMENDMENT OF THE DIPLOMATIC AND CONSULAR
PRIVILEGES ORDINANCE 1957

Section

Amendment

- | | |
|---|--|
| 2 | Delete the definition of the words "international organization". |
| 9 | (1) In subsection (1), delete paragraph (b). |
| | (2) In subsection (2): |
| | (a) Delete the words "or by an international organization"; |
| | (b) Substitute for the words "such sovereign, Government or organization" wherever they appear the words "such sovereign or Government"; |

- (c) Substitute for the words "such sovereign, Government, organization or person" the words "such sovereign, Government or person";
 - (d) Substitute for the words "Land Code of the Federated Malay States or of any law relating to land corresponding thereto in force in any other State" the words "National Land Code"; and
 - (e) Substitute for the marginal reference "F.M.S. Cap. 138." the marginal reference "56/1965."
- (3) In subsection (5):
- (a) Substitute for the words "any sovereign, Government or international organization" the words "any sovereign or Government";
 - (b) Substitute for the words "such sovereign, Government or organization" wherever they appear the words "such sovereign or Government";
 - (c) Substitute for the words "Land Code of the Federated Malay States or of any law relating to land corresponding thereto in force in any State" the words "National Land Code or any law in force"; and
 - (d) Substitute for the marginal reference "F.M.S. Cap. 138." the marginal reference "56/1965."

NOTES

¹Statutes of Finland 572/73.

²Ibid., 1649/91.

³Ibid., 728/73.

⁴Ibid., 1650/91.

⁵Published in the Gazette of the Government of Malaysia on 20 February 1992.