

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1967

Part One. Legal status of the United Nations and related inter-governmental organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related inter-governmental organizations



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Chapter I

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

1. Australia

REGULATIONS UNDER THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT 1963-1966

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations¹ under the *International Organizations (Privileges and Immunities) Act 1963-1966*.²

Dated this sixteenth day of June, 1967.

CASEY
Governor-General

By His Excellency's Command,

Paul HASLUCK
Minister of State for External Affairs

INTERNATIONAL COURT OF JUSTICE (PRIVILEGES AND IMMUNITIES) REGULATIONS

1. These Regulations may be cited as the International Court of Justice (Privileges and Immunities) Regulations.
2. In these Regulations, unless the contrary intention appears—
 - “the Act” means the *International Organizations (Privileges and Immunities) Act 1963-1966*;
 - “the Court” means the International Court of Justice established by the Charter of the United Nations;
 - “the Registrar” means the Registrar of the Court.
3. (1.) A member of the Court has—
 - (a) when engaged on the business of the Court;
 - (b) when on a journey in connexion with the exercise of his functions as a member of the Court; or
 - (c) if he is not an Australian citizen, when residing in Australia for the purpose of holding himself permanently at the disposal of the Court,the privileges and immunities specified in Part I of the Second Schedule to the Act.

¹ Notified in the *Commonwealth Gazette* on 29 June 1967.

² *Juridical Yearbook, 1963* p. 3.

- (2.) A person who has ceased to be a member of the Court—
 - (a) has the immunities specified in Part II of the Second Schedule to the Act; and
 - (b) is exempted from taxation in respect of any salary, allowances or compensation received from the Court.

4. A person who holds the office of Registrar, or is performing the duties of that office, has, while on the business of the Court or while on a journey in connexion with the exercise of the functions of that office, the privileges and immunities specified in Part I of the Second Schedule to the Act.

(2.) A person who has ceased to hold, or perform the duties of, the office of Registrar has the immunities specified in Part II of the Second Schedule to the Act.

5. (1.) A person who holds an office in the Court, other than the office of Registrar, has, while on the business of the Court or while on a journey in connexion with the performance of the functions of his office—

- (a) the privileges and immunities specified in paragraphs 1 to 5 (inclusive) of Part I of the Fourth Schedule to the Act; and
- (b) the following privileges, namely, the like repatriation facilities (including repatriation facilities for a spouse and any dependent relatives) in time of international crisis as are accorded to an official of comparable rank forming part of a diplomatic mission.

(2.) The salary and emoluments received from the Court by a person to whom the last preceding sub-regulation applies, being a resident of Australia within the meaning of the *Income Tax Assessment Act 1936-1967*, are not, to the extent to which they are for services rendered in Australia, exempt from taxation unless the person is not an Australian citizen and came to Australia solely for the purpose of performing duties of the office in the Court held by him.

(3.) The salary and emoluments received from the Court by a person to whom sub-regulation (1.) of this regulation applies, being a resident of the Territory of Papua and New Guinea within the meaning of the *Income Tax Ordinance 1959-1966* of that Territory, are not, to the extent to which they are for services rendered in that Territory, exempt from taxation unless the person is not an Australian citizen or an Australian protected person and unless the person came to that Territory solely for the purpose of performing duties of the office in the Court held by him.

(4.) In the last preceding sub-regulation, "Australian protected person" means a person declared by the regulations under the *Nationality and Citizenship Act 1948-1967* to be, for the purposes of that Act, under the protection of the Australian Government.

(5.) Subject to the next succeeding sub-regulation, a person who holds an office in the Court, other than the office of Registrar, has the privileges and immunities specified in paragraph 7 of Part I of the Fourth Schedule to the Act.

(6.) The last preceding sub-regulation does not apply to or in relation to a person who is an Australian citizen.

(7.) A person who has ceased to hold an office in the Court, other than the office of Registrar, has the immunities specified in Part II of the Fourth Schedule to the Act.

6. (1.) A person, not being an Australian citizen or a person acting on behalf of the Government of Australia, has—

- (a) while appearing before the Court as agent, counsel or advocate; or
- (b) while proceeding on a journey in connexion with such an appearance,

the privileges and immunities specified in paragraphs 1 to 6 (inclusive) of Part I of the Third Schedule to the Act.

(2.) A person, not being an Australian citizen or a person acting on behalf of the Government of Australia, who has concluded his appearance before the Court as agent, counsel or advocate has the immunities specified in Part II of the Third Schedule to the Act.

(3.) For the purposes of this regulation, the Third Schedule to the Act has effect in relation to a person as if the words “in his capacity as agent, counsel or advocate before the Court” were substituted for the words “in his capacity as such a representative” in paragraph 2 of Part I and in Part II of that Schedule.

7. (1.) A person has—

- (a) while acting as an assessor of the Court;
- (b) while appearing as a witness or an expert before the Court; or
- (c) while performing a mission by order of the Court,

and while on a journey in connexion with such a duty, the privileges and immunities specified in paragraphs 1 to 5 (inclusive) of Part I of the Fifth Schedule to the Act.

(2.) A person referred to in the last preceding sub-regulation who has ceased to perform the duties referred to in that sub-regulation has the immunities specified in Part II of the Fifth Schedule to the Act.

(3.) For the purposes of this regulation, the Fifth Schedule to the Act has effect in relation to a person—

- (a) as if the words “while acting as an assessor of the Court, while appearing as a witness or an expert before the Court or while performing a mission by order of the Court” were substituted for the words “in serving on the committee, participating in the work or performing the mission” in paragraph 2 of Part I and in Part II of that Schedule; and
- (b) as if the word “Court” were substituted for the word “organization” in paragraph 4 of Part I of that Schedule.

8. (1.) In this regulation, “the appropriate authority” means—

- (a) in relation to the Registrar—the Court;
- (b) in relation to an official of the Court other than the Registrar—the Registrar acting with the approval of the President of the Court;
- (c) in relation to an agent, counsel or advocate—the government of the country on behalf of which he is, or was, appearing before the Court; and
- (d) in relation to any other person, not being a member of the Court, referred to in these Regulations—the Court, or, if the Court is not then sitting, the President of the Court.

(2.) The appropriate authority in relation to a particular person may waive any privileges or immunities to which that person is entitled by virtue of the Act or these Regulations.

9. Nothing in these Regulations affects the application of any law of the Commonwealth or a Territory of the Commonwealth, including the Territory of Nauru, relating to quarantine, or prohibiting or restricting the importation into, or the exportation from, Australia or that Territory, as the case may be, of any animals, plants or goods, but this regulation does not prejudice the immunity from suit or from civil or criminal process conferred by these Regulations.

2. Barbados

DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT

An Act³ to confer immunities, powers and privileges on diplomatic and consular representatives and representatives of international organisations and certain other persons: and for purposes ancillary to or connected with matters aforesaid

(30th November, 1966)

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Assembly of Barbados, and by the authority of the same, as follows—

Part I

Preliminary

1. This Act may be cited as the Diplomatic Immunities and Privileges Act, 1967.

2. (1) For the purposes of this Act, the expression—

... .

“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 Barbados by the Government of Barbados;

“member of the family” in relation to any person to whom this Act applies, means—

(a) the spouse or any dependent child of that person; and

(b) any person deemed by the Minister to be a member of the family in question;

“Minister” means the Minister for the time being responsible for External Affairs;

“personal immunities” means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and inviolability of residence, and any exemption in respect of taxes, duties, rates or fees;

“Vienna Convention” means the international convention on diplomatic relations set forth in the First Schedule.

(2) It is hereby declared that for the purposes of this Act the expression “sovereign Power” includes any member of the Commonwealth which is sovereign.

Part II

Diplomatic Immunities and Privileges

3. Subject to the provisions of this Act, a head of mission shall be entitled to such immunities and privileges, and inviolability of residence, official premises, and official archives as are by customary international law and usage accorded to a duly accredited representative of a sovereign Power or as may be necessary to comply with the terms of—

(a) the Vienna Convention; or

(b) any other international agreement,

³ No. 42 of 1967. Assented to on 12 August 1967.

in the event that the country of the head of mission and Barbados are parties to such Convention or agreement.

4. (1) Subject to the provisions of this Act, a member of mission shall be entitled to such immunities and privileges as are by customary international law and usage accorded to the member of mission of a duly accredited representative of a sovereign Power or as may be necessary to comply with the terms of—

- (a) the Vienna Convention; or
- (b) any other international agreement,

in the event that the country of the head of mission and Barbados are parties to such Convention or agreement.

(2) For the purposes of subsection (1) the expression “member of mission” in relation to any head of mission includes—

- (a) a member of the official or domestic staff of the head of mission;
- (b) a member of the family of the head of mission;
- (c) a member of the family or of the domestic staff of a member of the official staff of the head of mission.

...

Part III

International Organisations and Persons connected therewith

6. (1) This section shall apply to any organisation declared by the Minister by order to be an organisation the members of which are sovereign Powers or the government of governments thereof.

(2) Subject to subsection (3), the Minister may from time to time by order—

(a) provide that any organisation to which this section applies (hereinafter referred to as “the organisation”) shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Second Schedule and shall also have the legal capacities of a body corporate;

(b) confer upon—

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

to such extent as are specified in the order, the immunities and privileges specified in Part II of the Second Schedule;

(c) confer upon such other classes of officers and servants of the organisation as specified in the order, to such extent as are so specified in Part III of the Second Schedule;

(d) confer upon such other persons as are specified in the order, being persons under contract with the organisation, to such extent as are so specified, the immunities and privileges specified in Part V of the Second Schedule,

and Part IV of the Second Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this subsection and to the families of officers of the organisation any immunities and privileges conferred upon 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) Any order made by the Minister pursuant to subsection (2)—

(a) may, notwithstanding any thing contained in sub-section (2), confer on the organisation or on such persons or classes of persons as are referred to in that sub-section such immunities and privileges as are required to give effect to any international agreement in that behalf to which Barbados is a party;

(b) shall be so framed as to secure that there are not conferred on the organisation or on any such person or class of persons as aforesaid any immunities and privileges greater in extent than those which, at the time of the making of the order, are required to be conferred on the organisation or on such person or class of persons as aforesaid in order to give effect to any such international agreement in that behalf.

(4) Nothing in this section shall authorise the making of any order to confer immunity or privilege upon any person as a representative of the Government of Barbados or a member of the staff of such representative.

7. The Minister may from time to time, by order confer on the judges and registrars of the International Court of Justice established by the Charter of the United Nations, and of any other international judicial institution approved by the Minister, and on suitors to that Court or to any such institutions 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 or, in the case of any such institution as aforesaid, as the Minister may deem necessary for the proper discharge its functions.

8. (1) Where—

(a) a conference is held in Barbados and is attended by representatives of the governments of one or more sovereign Powers or of any of the territories for whose international relations any of those governments is responsible; and

(b) 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 Barbados) 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 Barbados) shall for the purposes of any enactment or rule of law 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 purpose of subsection (1) the Minister may compile a list of the representatives of the Governments aforesaid (other than the Government of Barbados) and members of their official staffs as he thinks proper, and shall cause such list and any amendment of that list or amended 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.

Part IV

General

9. (1) The Minister responsible for Finance may by order published in the *Gazette*, or by directions in writing—

(a) make such provisions as he thinks fit in order to facilitate any exemption from taxes, duties, rates or fees to which any person is entitled consequent on the diplomatic immunities and privileges to which this Act relates and may in the order or directions declare the extent of such exemption in respect of any person or class of persons and as to whether or not any particular tax, duty, rate or fee is included therein or excluded therefrom; and where any such declaration is made it shall, subject to the provisions of the Second Schedule (in the case of any person to whom an order made under subsection (1) or subsection (2) of section 6 refers), be conclusive;

...

(2) No order published or directions given by the Minister responsible for Finance pursuant to subsection (1) shall be construed as exempting any person from compliance with the formalities in respect of importation of goods which are prescribed in any law relating to customs.

(3) Any exemption from taxes, duties, rates or fees to which this section relates shall be subject to compliance with such conditions for protecting the Revenue as may be prescribed by the officer or the authority responsible under the law for collecting the taxes, duties, rates or fees in question.

10. (1) The Minister shall compile a list of the persons appearing to him to be entitled to immunities and privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Act, except—

(a) children under the age of eighteen years of a person so entitled;

(b) any person whose name appears on a list published under the provisions of subsection (2) of section 8;

and he shall from time to time amend the list, and shall cause the list and any amendment of the list or any amended list to be published in the *Gazette*.

(2) If in any proceedings any question arises whether or not any person or any organisation is entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Act, or by reason of being included in a list compiled under the provisions of subsection (2) of section 8, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of the fact.

11. Any immunities or privileges conferred on any person by or under the provisions of this Act or any regulations made thereunder may be waived in accordance with the principles of customary international law and usage or in compliance with the terms of any Convention or agreement in that behalf to which Barbados is a party.

12. (1) If any goods to which this section applies are sold or disposed of within three years of importation or of being taken out of bond or of purchase to a person who is not entitled to customs, or, as the case may be, excise franchise privileges, the person who sells or disposes of such goods may be called upon to pay duty thereon at the rate required according to the law relating to the payment of customs or excise duty.

(2) This section applies to goods which have been imported or taken out of bond without payment of customs duty, or which have been purchased without payment of excise duty by a person in pursuance of any diplomatic immunity or privilege, or other immunity or privilege conferred or granted by or under this Act.

13. (1) Nothing in this Act shall be construed as precluding the Minister from withdrawing—

...

(ii) any immunities or privileges referred to in Part III or in the Second Schedule from any representatives or nationals of any sovereign Power on the grounds that such Power is failing to accord corresponding immunities or privileges in respect of Barbados,

or from declining to accord any such immunity or privilege as may be conferred by order or direction under the provision of this Act on any such grounds as aforesaid.

...

14. No person being exclusively a citizen of Barbados shall in Barbados be entitled to any personal immunities and the member of such person's family shall not, as such, be entitled to any personal immunities unless his name is included in a list compiled under the provisions of section 10 and published in the *Gazette* and still in force.

15. No person shall be entitled to any immunities or privileges in accordance with customary international law or usage or by or under any of the provisions of this Act, on account of his being a domestic servant of a head of mission or any other person, unless his name is included in a list compiled under the provisions of section 10 and published in the *Gazette* and still in force.

Part V

Miscellaneous Provisions, Repeal and Saving

...

17. The Minister may from time to time make regulations for carrying into effect the purposes of this Act, and regulations so made shall be subject to negative resolution.

18. This Act shall not affect any legal proceedings begun before the enactment thereof.

19. (1) The Acts specified in Part I of the Third Schedule are hereby repealed.

...

20. Every order made and list compiled under the provisions of the Diplomatic Privileges Act, 1947 or the Diplomatic Privileges (Vienna Convention) Act, 1965 which are still in force immediately before the commencement of this Act shall be deemed to have been made or compiled under the corresponding provisions of this Act and shall continue in force accordingly until amended, varied, revoked or replaced under this Act.

21. This Act shall be deemed to have come into operation on 30th November, 1966.

First Schedule

(sections 2, 3 and 4)

VIENNA CONVENTION ON DIPLOMATIC RELATIONS

[Not reproduced]⁴

Second Schedule

(section 6)

Part I

Immunities and Privileges 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 the head of mission.
3. The like exemption or relief from taxes, duties, rates and fees, other than duties on the importation of goods, as is accorded to a sovereign Power.
4. Exemption from duties on the importation of goods directly imported by the organisation for its official use in Barbados 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 Comptroller of Customs 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 Barbados), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

Part II

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

1. The like immunity from suit and legal process as is accorded to a head of mission.
2. The like inviolability of residence as is accorded to such a head of mission.
3. The like exemption or relief from taxes, duties, rates and fees as is accorded to such a head of mission.

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

Part IV

Immunities and Privileges of Official Staff and of High Officer's Family

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 organisation or a member of any committee of the organisation or of an organ hereof 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 the retinue of a head of mission is entitled to the immunities and privileges accorded to the head of mission.

⁴ See United Nations, *Treaty Series*, vol. 500, p. 95.

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 organisation, that person's wife or husband and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of a head of mission are entitled to the immunities and privileges accorded to the head of mission.

Part V

Immunities and Privileges of Persons under Contract

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 from the organisation.

Third Schedule

(section 19)

Part I

(Acts repealed)

The Diplomatic Privileges Act, 1947.

The Diplomatic Privileges (Vienna Convention) Act, 1965.

3. Colombia

(a) RESOLUTION NO. 162 OF 1966 ON THE PRIVILEGES AND IMMUNITIES OF INTERNATIONAL OFFICIALS AND EXPERTS IN COLOMBIA⁵

THE SECRETARY-GENERAL OF THE MINISTRY OF FOREIGN AFFAIRS,
IN CHARGE OF THE OFFICE

In virtue of the powers conferred on him by law and

Considering:

(1) That article 4 of Legislative Decree 3135 of 20 December 1956 empowers the Ministry of Foreign Affairs to regulate the system of immunities and privileges on the basis of reciprocity;

(2) That it has been deemed necessary to clarify the provisions of the said Decree, especially with regard to practical application of the system of reciprocity; and

(3) That by Resolution No. 0899 of 30 December 1964 the Ministry of Foreign Affairs established regulations for the system applicable to foreign diplomatic staff and consular officials, and that the regulations dealing with international officials and experts in Colombia must therefore be supplemented;

Decides as follows:

Article 1

For the purposes of this Resolution, the following classification is established for officials assigned to Colombia in the employ of international technical or technical assistance organizations with offices in Colombia:

⁵ Translation by the Secretariat of the United Nations.

- (a) The titular Director and Deputy Director of the regional office of an organization;
- (b) Representatives of international organizations and bodies accredited in the country;
- (c) Officials of lower rank than the above;
- (d) Experts in the service of technical assistance organizations or bodies;
- (e) Experts of the United Nations and other international organizations; and
- (f) Experts who come to the country under international agreements and are not paid by the Government of Colombia.

Organizations

Article 2

International technical or technical assistance organizations shall enjoy in Colombia the following privileges and immunities:

- (1) Immunity from legal process in respect of their property and assets;
- (2) Inviolability of premises and offices, archives and official documentation;
- (3) Facilities in respect of exchange and the transfer of official funds; in exercising this privilege the specialized agencies shall furnish any explanations requested by the Government, to the extent compatible with their particular functions;
- (4) Exemption from direct taxes;
- (5) Exemption from customs duties and from all restrictions in respect of any kind of equipment imported for official use, with the exception of motor vehicles and goods dealt with separately; and
- (6) The authority to use telegraphic codes for their official communications.

Senior and Subordinate Personnel

Article 3

The officials listed in article 1, (a) and (b), and so recognized by the Ministry of Foreign Affairs, shall enjoy the privileges and immunities granted to diplomatic staff, except as regards the importation of motor vehicles and goods regulated by article 8 *et seq.* and article 19.

Article 4

No Colombian national, whatever his status or rank, shall have the right to enjoy on Colombian territory the privileges and immunities granted by the provisions in force to international officials.

Article 5

The international technical personnel listed in article 1 (c) and (d) shall enjoy the following privileges and immunities, subject to prior recognition by the Ministry of Foreign Affairs;

- (1) Immunity from legal process in respect of acts performed by them in their official capacity, including words spoken or written;
- (2) Exemption from taxation in respect of the salaries and emoluments paid to them by the organization to which they belong;

(3) Exemption, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration formalities;

(4) The same privileges in respect of exchange facilities as are accorded to officials of diplomatic missions;

(5) Exemption from customs duties for their baggage; this exemption shall also apply to effects arriving at a Colombian port as “unaccompanied baggage” within three months after the arrival of the official in Colombia, the date to be verified from his passport if the mission or organization did not report his arrival in the country at the time;

(6) Household effects shall enjoy customs exemption when the official arrives in Colombia for the first time to take up his post, provided his contract is for a period of not less than one year.

Article 6

United Nations experts (article 1 (e)) shall enjoy during the period of their duties and the time required for travel in connexion with their functions the privileges and immunities listed in the preceding article, subject to the conditions specified therein.

Article 7

Experts coming to Colombia under special international agreements (article 1 (f)) and not paid by the Government of Colombia, shall enjoy the privileges listed under article 5 (2), (3), (4), (5) and (6).

Vehicles

Article 8

International technical or technical assistance organizations may import free of customs duties such service vehicles as, under the existing agreements with and in the judgement of the Ministry of Foreign Affairs are necessary for the normal functioning of their assistance programmes. Such vehicles shall be registered in the name of the organization concerned, and may not be sold without payment of customs duties until four (4) years have elapsed from the date of issue of the relevant licence plates.

Article 9

The Ministry of Foreign Affairs may, for duly attested special reasons, in exceptional cases authorize the transfer of such vehicles before the end of the period specified in the preceding article, but in such cases the appropriate customs duties shall be paid, except in the event of donation to a Colombian official body.

Article 10

On importation of any vehicle intended for an international or technical assistance organization or its personnel, the appropriate customs duties shall be entered on the manifest referring to the vehicle as if it was imported on behalf of a private individual. The figure shall be used as basis for the payment of customs duties if the vehicle should be sold or transferred, the scale specified for the purpose in article 12 being applied.

Article 11

The heads and permanent representatives of the international technical assistance organizations categories (a) and (b) may import free of customs duties, for their personal

use, a single motor car every two (2) years reckoned from the date of issue of plates for the vehicle registered in their name with the Ministry of Foreign Affairs.

Should the official complete his mission in Colombia before two years have elapsed and the vehicle has been in use for a minimum of twelve (12) months, it may be sold subject to payment of the appropriate duties in accordance with the provisions of the following article. If twelve (12) months have not elapsed, the vehicle must be re-exported.

Article 12

The duties referred to in the preceding article shall be assessed and payable as follows: the total value of the customs duties appearing on the import manifest (the only control document) shall be reduced by one-twelfth for each completed month between the end of the twelve-month period referred to above and the day on which transfer was authorized.

Article 13

When by virtue of the authorization granted in article 8 an international organization has imported vehicles in its name to be allocated for the private use of its staff members, none of the latter may request authorization to import another vehicle.

Article 14

The international technical personnel listed in article 1 (c) and (d) may during the four months following their arrival in Colombia import one motor car for their personal use, free of customs duties, on condition that their contract is for a minimum term of two (2) years. The weight of such vehicle may not exceed 1,650 kg and its f.o.b. value may not exceed \$US2,800.

(1) If the official's contract is for a term of less than two years, authority may be granted, upon receipt of a written request, for the temporary importation into Colombia of a vehicle for the same purpose, meeting the above requirements, but the vehicle may not remain permanently in the country.

(2) An official who has imported a vehicle in the statutory manner and leaves Colombia for whatever reason before the two (2) years specified in his contract have expired may not request that the vehicle remain in that country; it must be re-exported.

Article 15

The import of a second vehicle shall not be authorized in cases where an official is transferred within Colombia, whether in the employ of the same or a similar organization, or where, having been absent from Colombia, he returns before a year has elapsed.

Article 16

International technical personnel as referred to in article 14 may sell a motor car imported in the statutory manner after the period of two (2) years of use has elapsed, subject to prior payment of the total customs duties waived on entry, as shown on the corresponding import manifest, but this shall not give entitlement to import another vehicle.

Article 17

A vehicle may be transferred without payment of customs duties to persons enjoying the privilege of importing a vehicle duty-free, but this shall be regarded as a regular import on the part of the purchaser, who shall therefore be required to comply with the conditions laid down for such imports in accordance with the provisions of this Resolution.

Licence plates

Article 18

The preparation of plates for vehicles imported under the present regulations shall be authorized by the Ministry of Foreign Affairs in accordance with a standard model supplied by the Division of Protocol, at the cost of the party concerned. These plates shall be exempt from tax and shall be issued on presentation of the original of a policy issued by an insurance company domiciled in Colombia and covering the vehicle against damage or injuries to third parties up to a sum of not less than 50,000 pesos, for a period of one year, renewable.

Merchandise

Article 19

The senior personnel listed in article 1 (a) and (b) of this Resolution may import into Colombia free of customs and other duties, in quantities which the Ministry of Foreign Affairs judges to be sufficient for their requirements, articles or goods for official use or for their exclusive private use or consumption.

Article 20

The obligations contracted by the Republic under agreements on matters identical with or similar to those dealt with in this Resolution shall not be affected by these provisions, and shall therefore remain in force for the term specified in each such agreement. Should they be extended or another be enacted, the relevant provisions shall be applied.

The foregoing shall be communicated and published.

DONE at Bogotá on 23 April 1966.

Luis Humberto SALAMANCA

Eduardo RESTREPO DEL CORRAL
Acting Secretary

(b) DECREE NO. 232 OF 1967 REGULATING THE IMPORT OF VEHICLES INTENDED FOR THE OFFICIAL OR PERSONAL USE OF MEMBERS OF DIPLOMAT AND CONSULAR MISSIONS OR OF REPRESENTATIVES OF INTERNATIONAL AND TECHNICAL ASSISTANCE ORGANIZATIONS DULY ACCREDITED IN COLOMBIA⁶

...

Article 4

The Ministry of Foreign Affairs may authorize the sale of motor cars . . . subject to the following regulations:

(a) If the vehicle has been in use for less than six months, the Ministry of Foreign Affairs shall authorize its sale after payment in full of the duties waived at the time of importation, as shown on the customs manifest, which shall be the sole control document;

(b) If the vehicle has been in use for more than six months, it may be sold after payment of duties reduced as follows: the total duties appearing on the customs manifest shall be reduced by one forty-eighth part for each month which has elapsed from the date of registration of the vehicle with the Division of Protocol of the Ministry of Foreign Affairs.

⁶ Translation by the Secretariat of the United Nations.

Should the customs tariff in force at the moment of arrival in Colombia of vehicles imported duty free be modified to a more favourable rate, the latter rate shall apply for the payment of duties under the terms of the present Decree at the time when sale is authorized.

...

Article 10

Experts and other technical officials of international organizations accredited in the country, as also specialist personnel coming to Colombia under technical assistance agreements signed by the Colombian Government, may import a vehicle into the country on a single occasion free of customs duties for their personal use.

The Ministry of Foreign Affairs may authorize the sale of such vehicles before the expiry of the general term of four years in the event of termination of a mission subject to prior payment of the statutory duties and in the manner laid down in article 4 of this Decree.

Article 11

International technical or technical assistance organizations may import free of customs duties such service vehicles as under the existing Agreements and in the judgement of the Ministry of Foreign Affairs are necessary for the normal functioning of their assistance programmes. Such vehicles shall be registered in the name of the organization concerned and may not be sold without payment of customs duties until four years have elapsed from the date of issue of relevant licence plates.

Article 12

The Ministry of Foreign Affairs may, for duly attested special reasons, in exceptional cases authorize the transfer of such vehicles to third parties before the end of the period specified in the preceding article, but in such cases the appropriate customs duties shall be paid, except in the event of donation to Colombian official or semi-official bodies.

Article 13

The importation of a second vehicle shall not be authorized in cases where an official is transferred within Colombia, whether in the employ of the same Government or organization or another organization, or where, having been absent from Colombia, he returns before a year has elapsed.

Article 14

A vehicle may be transferred without payment of customs duties to persons enjoying the privilege of importing a vehicle duty free, but this shall be regarded as a regular import on the part of the purchaser, who shall therefore be required to comply with the conditions laid down for such imports in accordance with the provisions of this Decree.

Article 15

Vehicles imported free of customs duty may at no time be transferred without prior permission of the Ministry of Foreign Affairs, and the national transport authorities shall not authorize transfer without such permission in writing.

Article 16

Exemption from customs duty for motor vehicles shall be granted on condition that the import was made under a special licence issued by the Ministry of Foreign Affairs and

that shipping documents are forthcoming from the country of origin in the name of a person entitled to the privilege.

1. The Ministry of Foreign Affairs shall in each case authorize the appropriate Colombian Consul to validate free of charge the shipping documents covering the import.

...

Article 17

Exemption from customs duties in respect of future imports shall not be applicable to the purchase of vehicles already regularly imported into the country.

...

Article 21

No Colombian national, whatever his status or rank, shall have the right to enjoy on Colombian territory the privileges granted by the provisions of the present Decree to foreign officials.

The provisions of this article shall not apply to officials of Colombian nationality employed by international organizations and coming to Colombia expressly to serve such organizations.

...

Article 24

The Ministry of Foreign Affairs shall be the sole body competent to interpret and apply the regulations established by the present Decree.

Article 25

From the date of entry into force of this Decree the Division of Protocol of the Ministry of Foreign Affairs shall not grant requests for the transfer of vehicles except in accordance with the provisions contained herein.

Article 26

This Decree shall enter into force on the date of issue.

The foregoing shall be communicated and published.

DONE at Bogotá on 11 February 1967

Carlos LLERAS RESTREPO

4. Ecuador

(a) SUPREME DECREE NO. 1422 OF 31 DECEMBER 1963 REGULARIZING THE SYSTEM OF PRIVILEGES FOR MEMBERS OF THE DIPLOMAT AND CONSULAR CORPS AND MILITARY AND TECHNICAL ASSISTANCE MISSIONS⁷

THE GOVERNING MILITARY JUNTA

Considering:

That it is necessary to bring up to date the regulations established in Executive Decree No. 2034, of 30 November 1959; and

By virtue of the powers vested in it.

⁷ Translation by the Secretariat of the United Nations.

Decrees:

Article 1. On the basis of the strictest international reciprocity, members of the diplomatic corps accredited to the Government of Ecuador, foreign career consular officers and members of military and technical assistance missions shall enjoy exemption from consular fees, customs duties and all other fees or duties which now exist or may be established in the future on specified goods imported exclusively for their personal use, in conformity with the following categories and quotas:

First category: Heads of diplomatic missions with the rank of ambassador, minister plenipotentiary or chargé d'affaires *en titre*, up to an f.o.b. value of five thousand dollars for the first year and four thousand dollars for subsequent years.

Second category: Minister-counsellors and counsellors, generals and colonels who are members of foreign military missions and are serving in the country under contracts concluded with the Government of Ecuador, and career consuls general, up to an f.o.b. value of three thousand three hundred dollars for the first year and two thousand six hundred dollars for subsequent years.

Third category: Service attachés, first secretaries, lieutenant-colonels and majors who are members of foreign military missions, senior career consuls and directors in charge of technical assistance missions working in the country under existing or future contracts or agreements concluded by the Government of Ecuador with foreign Governments or international organizations, up to an f.o.b. value of two thousand five hundred dollars for the first year and two thousand dollars for subsequent years.

Fourth category: Second and third secretaries and career consuls and vice-consuls, up to an f.o.b. value of two thousand three hundred dollars for the first year and one thousand eight hundred dollars for subsequent years.

Fifth category: Chiefs of department or section, chiefs of division or administrative chiefs of technical assistance bodies, up to an f.o.b. value of one thousand nine hundred dollars for the first year and one thousand four hundred dollars for subsequent years.

Sixth category: Captains and lieutenants who are members of foreign military missions, up to an f.o.b. value of one thousand six hundred dollars for the first year and one thousand two hundred dollars for subsequent years.

Seventh category: Civil, commercial, cultural and press attachés and adjutants to service attachés, second lieutenants and ensigns who are members of foreign military missions, technical consultants, technical assistance experts, advisers and technicians, up to an f.o.b. value of one thousand three hundred dollars for the first year and one thousand dollars for subsequent years.

Eighth category: Troops serving in foreign military missions and secretaries of technical assistance missions, up to an f.o.b. value of eight hundred dollars for the first year and five hundred dollars for subsequent years.

Article 2. Members of the diplomatic corps performing the functions of head of mission as chargés d'affaires *ad interim*, either because the main headquarters of the representation is not situated in the country or because of the prolonged absence of the titular head of the mission for a period of not less than sixty days, shall be entitled to the exemptions from duties and taxes corresponding to the category immediately above their own. This treatment shall be applied in proportion to the period during which the person concerned performs his temporary functions.

Article 3. Members of special missions, such as the Peace Corps and similar bodies, shall be entitled only to import their personal baggage and household effects free of duty on arrival in the country.

In order to obtain exemptions for technical and scientific working materials and equipment and for cultural publicity material, such special missions shall submit the relevant applications every year to the Ministry of Finance, which shall grant exemption from import duties and taxes, subject to a favourable report by the Economic Planning and Co-ordination Board.

This treatment may be claimed only on the basis of existing contracts legally concluded with the Government.

Article 4. For diplomatic staff, career consular staff and mission staff already residing in the country, the annual exemption quotas established in this Decree shall apply from 1 January 1964. For staff arriving in the country after that date, they shall apply from the date of presentation of credentials in the case of heads of mission, and from the date of notification of their arrival in the country to the Ministry of Foreign Affairs, in the case of other officials.

Article 5. Duty-free import quotas may not be accumulated from one year to another, transferred, assigned, or used for any goods other than those imported for the personal use of the beneficiary.

Article 6. Applications for the exemptions from import duties referred to in the present Decree shall be submitted by heads of mission to the Ministry of Foreign Affairs which, after examining them and ensuring that they comply with the relevant quota, shall request the Ministry of Finance to issue the appropriate exemption agreement, the text of which shall specify in sucres the value of the duties from which exemption is granted.

The Ministry of Finance shall transmit a copy of the exemption agreement to the Ministry of Foreign Affairs.

Article 7. Heads of diplomatic missions with the rank of ambassador may import, subject strictly to the principle of international reciprocity, up to two motor cars every two years, entirely tax-free; other diplomatic officials, foreign career consuls, technical assistance specialists, experts and advisers, and officers of foreign military missions may import one motor car for their personal use every two years, likewise entirely tax-free. The importation of these motor cars shall not be set against personal quotas.

Subject to the principle of reciprocity, motor cars and other vehicles for the official use of diplomatic missions may also be imported entirely tax-free, in quantities reasonably proportionate to the size of the mission's staff and its service needs.

Article 8. Vehicles imported duty-free by diplomatic, consular or technical assistance missions or by the staff of such missions may not be sold, assigned or transferred, free of charge or against payment, without prior authorization from the Ministry of Foreign Affairs, which may not be granted before two years have elapsed, except when the official is permanently transferred, when there are reciprocal international agreements, or for reasons of *force majeure*, such as accidents which render the vehicle unusable, death of the official, withdrawal of the mission, etc. In such cases, always in conformity with the principle of diplomatic reciprocity, a progressive reduction shall be granted, the total duties and taxes in force on the date of sale being divided into twenty-four parts and a reduction of one part being allowed for each month during which the vehicle has been in the country. Fractions of a month shall count as a whole month for this purpose.

If a motor car or any other durable consumer goods imported duty-free is sold, transferred or assigned before two years have elapsed since its importation, without a special justifying reason, all the duties in force at the date of sale shall be payable.

The sale of a motor car or any other durable consumer goods imported duty-free shall require prior authorization by the Ministry of Finance, which shall grant it automatically at the request of the Ministry of Foreign Affairs. When the sale involves the payment of duties, the Ministry of Foreign Affairs shall first calculate the value of the duties to be paid by the owner and shall make out a payment order for the Customs Administration, which upon payment being made shall issue a voucher showing that the person concerned has paid the duties. The interested party shall then submit the voucher to the Directorate of Protocol, which shall forthwith transmit the appropriate sales permit to the Ministry of Finance. In addition, when a motor car is sold the licence plates shall be returned before the sale is effected.

Vehicles belonging to diplomatic, consular, military and technical assistance missions or to members of their respective staffs may be transferred free of tax to other missions or officials entitled to import motor cars in conformity with the provisions of articles 6 and 7. In such cases the two-year period which must elapse before the vehicles may be freely transferred to third parties shall be calculated from the date of the original exemption agreement.

Article 9. The Ecuadorian traffic authorities may not register or issue licence plates for vehicles transferred by diplomatic or consular corps or by technical assistance or military missions or by their members unless the Ministry of Finance has issued a certificate stating that any taxes due have been paid or that the sale may take place freely because two or more years have elapsed since the vehicle was brought into the country.

Article 10. Foreign diplomatic or consular missions and bodies which have concluded contracts with the Government shall enjoy exemption from duties on imports of office furniture, fixtures and accessories, emblems, flags and other articles for the exclusive use of the mission as such, as well as on materials for the construction of mission premises.

Article 11. Foreign administrative non-diplomatic staff shall enjoy exemption from customs duties for the importation, on one occasion only, of their personal belongings and articles intended for their initial installation. They may also import, on one occasion only, a motor car with an f.o.b. value of up to two thousand two hundred dollars, the sale of which shall be subject to the regulations set out in articles 8 and 9 of the present Decree.

Article 12. Embassies and military or technical assistance missions may establish commissaries by combining all the personal quotas of their staff members, in which case the individual quotas shall be eliminated.

Article 13. In accordance with general rules, international practice, and international agreements, the Ecuadorian customs and postal authorities shall deliver immediately, without examining their contents, sealed envelopes, packages and correspondence duly sealed, such as in general constitute the diplomatic bag, bearing the seal of the Ministry of Foreign Affairs of another country and sent through the diplomatic channel.

Article 14. The personal baggage of foreign diplomats and consuls accredited to the Government of Ecuador and that of heads of technical assistance missions who hold diplomatic passports shall be admitted without inspection by the Ecuadorian customs authorities.

The same treatment shall be accorded to members of the families of the aforementioned officials who hold diplomatic passports.

Article 15. The Ecuadorian customs and postal authorities shall grant preferential treatment and priority to the handling of diplomatic imports which have fulfilled all the

necessary conditions and have been authorized by the Ministry of Foreign Affairs and the Ministry of Finance, which shall maintain the registers needed for the supervision of the quotas and the establishment of their balances.

The Ecuadorian customs and postal authorities shall inform the Ministry of Foreign Affairs and the Ministry of Finance by telegram of the particulars relating to diplomatic duty-free imports and shall subsequently confirm the details by memorandum.

Article 16. Applications for exemption in respect of all imports effected by members of diplomatic missions or career consuls even when the latter are stationed outside the capital of the Republic, shall be submitted to the Ministry of Foreign Affairs through the appropriate diplomatic mission, which shall make the request by means of a note signed by the head of the mission.

Article 17. The application of the principle of international reciprocity is the responsibility of the Ministry of Foreign Affairs, which can thus ensure that the diplomatic representatives of the various countries are subject to the same limitations and treatment as Ecuadorian diplomats in the countries in question. In no case, however, may it grant treatment more favourable than that set out in the present Decree.

Article 18. Career members of the Ecuadorian Foreign Service returning to the country upon termination of their assignments may bring in free of duty their personal baggage, furniture and household effects, and a used motor car. All such belongings must be shipped from a port in the country in which they carried out their duties.

Proof that the motor car so imported is used shall be shown by production of the purchase invoice and the registration certificate, and by inspection of the vehicle itself by the customs authorities on its arrival.

The same exemption from duty shall be granted to Ecuadorian technicians, officials and experts engaged as such by international bodies or foreign Governments when they return to the country on the termination of their contracts after having worked abroad for at least one year.

This concession shall not extend to Ecuadorian fellowship-holders, students studying abroad, officials travelling abroad on duty, delegates to international conferences or congresses or honorary attachés or consuls, even when they hold diplomatic passports.

The authorization of the Ministry of Finance, which shall be granted automatically at the request of the Ministry of Foreign Affairs, shall be required for the transfer to a third party of motor cars imported free of duty in conformity with the provisions of this article.

Article 19. The Ministry of Foreign Affairs shall issue a reasonable number of coupons for the purchase of duty-free fuel, according to the class of vehicle and in conformity with the provisions of Executive Decrees No. 2042 of 2 December 1929 and No. 112 of 25 June 1963.

Article 20. Borderline cases which occur in connexion with the execution of the present Decree shall be settled by the Ministry of Foreign Affairs.

Article 21. All decrees, regulations or provisions which conflict with the provisions of this Decree are repealed.

This Decree shall be executed by the Minister for Foreign Affairs and the Minister of Finance.

DONE at Quito, in the National Palace, on 31 December 1963.

Ramón CASTRO JIJON
Rear-Admiral, President

Luis CABRERA SEVILLA
Major-General

Marcos GÁNDARA ENRIQUEZ
Major-General

Guillermo FREILE POSSO
Colonel, Air Force General Staff

Neftali PONCE MIRANDA
Minister for Foreign Affairs

Jack BERMEO
Minister of Finance

(b) SUPREME DECREE NO. 504 OF 3 MARCH 1966 AMENDING DECREE NO. 1422
OF 31 DECEMBER 1963⁸

THE GOVERNING MILITARY JUNTA,

Considering:

The need for adequate regulations governing imports and sales of motor cars by members of the diplomatic and consular corps, international organizations and their agencies and officials in the Ecuadorian Foreign Service;

By virtue of the powers vested in it,

Decrees:

Article 1. Article 8, first and second paragraphs, of Supreme Decree No. 1422 of 31 December 1963, published in *Registro Oficial* No. 149 of 9 January 1964, shall be replaced by the following text:

“Vehicles or other durable consumer goods imported free of duty, which are sold, assigned or transferred, free of charge or against payment, before two years have elapsed since they were brought into the country, shall be liable to payment of all the duties chargeable at the date of the sale.

“If two years have elapsed since such vehicles were brought into the country, a scaled reduction shall be granted, equivalent to one twenty-fourth of the total duties and taxes payable at the date of the sale for each month during which the vehicle has been in the country. Fractions of a month shall be counted as a full month.

“The foregoing provisions shall be subject to the principle of reciprocity, the international agreements in force, and cases of *force majeure* such as accidents rendering the vehicle unusable, death of the official or suspension of diplomatic relations requiring the withdrawal of the diplomatic mission.”

Article 2. The words “of two years” shall be deleted from the last paragraph of article 8 of Supreme Decree No. 1422 of 31 December 1963.

In article 9 of the same Decree, the words “two years” shall be replaced by the words “four years”.

⁸ Translation by the Secretariat of the United Nations.

Article 3. Article 18, third paragraph, of Supreme Decree No. 1422 of 31 December 1963 shall be deleted.

Article 4. The last paragraph of article 18 of Supreme Decree No. 1422 of 31 December 1963 shall be replaced by the following:

“The transfer to third persons of motor cars imported duty-free in accordance with this article shall require the authorization of the Ministry of Finance, which shall be granted automatically, at the request of the Ministry of Foreign Affairs, after two years have elapsed since the date of arrival of the vehicles in the country.”

Article 5. It is strictly forbidden for foreign officials enjoying diplomatic privileges of exemption from customs duties to import merchandise in transit.

Article 6. This Decree shall enter into force on the date of its publication in the *Registro Oficial* and its provisions shall apply to vehicles arriving from that date onwards.

Article 7. The Minister for Foreign Affairs and the Minister of Finance shall be responsible for the execution of this Decree.

DONE at Quito, in the Government Palace, on 3 March 1966.

Ramón CASTRO JIJON
Rear-Admiral

Luis CABRERA SEVILLA
Major-General

Marcos GÁNDARA ENRIQUEZ
Major-General

Luis VALENCIA RODRIGUEZ
Minister for Foreign Affairs

Jaime SALVADOR C.
Minister of Finance

(c) SUPREME DECREE NO. 1228 OF 10 OCTOBER 1966 BRINGING TOGETHER
THE PROVISIONS RELATING TO DIPLOMATIC EXEMPTIONS AND PRIVILEGES⁹

CLEMENTE YEROVI INDABURU,
ACTING PRESIDENT OF THE REPUBLIC,

Considering:

That there is an urgent need to assemble in a single text the provisions relating to diplomatic exemptions and privileges,

That it is becoming vital, during the economic crisis facing the country, to regulate the systems of exceptions, which have already been introduced in other friendly nations,

That, in accordance with Ecuadorian law and international practice, the Ministry of Foreign Affairs and the Ministry of Finance are responsible for all matters concerning such diplomatic immunities and the privileges and exemptions to be granted to members of the diplomatic corps, foreign consular agents, members of military missions and agents of international and technical assistance organizations accredited to the national Government, and

⁹ Translation by the Secretariat of the United Nations.

By virtue of the powers vested in him,

Decrees:

Article 1. In accordance with the international conventions on privileges and diplomatic immunities applicable to Ecuador and on the basis of the strictest international reciprocity, weighted in quantitative terms, members of the diplomatic corps accredited to the Government of Ecuador, career foreign consular agents and members of military missions, missions of international organizations and technical assistance missions shall enjoy exemption from duties and taxes applicable now or in the future on approved imports effected officially for the missions and for their exclusive personal use, in accordance with the following categories and quotas:

First category: Heads of diplomatic missions with the rank of ambassador or minister plenipotentiary, up to an f.o.b. value of five thousand dollars for the first year and two thousand five hundred dollars for subsequent years.

Second category: *Chargés d'affaires en titre*, up to an f.o.b. value of four thousand dollars for the first year and two thousand dollars for each subsequent year.

Third category: Minister counsellors, service attachés with the rank of general and generals who are members of foreign military missions and are serving in the country under contracts concluded with the national Government, up to an f.o.b. value of three thousand three hundred dollars for the first year and one thousand six hundred and fifty dollars for subsequent years.

Fourth category: Counsellors, career consuls general, service attachés of other countries with the rank of colonel and colonels serving in the country under contracts concluded with the national Government, up to an f.o.b. value of two thousand six hundred dollars for the first year and one thousand three hundred dollars for subsequent years.

Fifth category: First secretaries, service attachés with the rank of lieutenant-colonel or major, lieutenant-colonels and majors who are members of foreign military missions, senior career consuls and directors in charge of technical assistance missions working in the country under contracts or conventions which have been or may be concluded by the national Government with foreign Governments or with international organizations, up to an f.o.b. value of two thousand three hundred dollars for the first year and one thousand one hundred and fifty dollars for subsequent years.

Sixth category: Second secretaries and career consuls, up to an f.o.b. value of two thousand dollars for the first year and one thousand dollars for subsequent years.

Seventh category: Third secretaries, career vice-consuls, administrative or division chiefs of international or technical assistance organizations, up to an f.o.b. value of one thousand four hundred dollars for the first year and seven hundred dollars for subsequent years.

Eighth category: Non-service commercial and cultural attachés, captains who are members of foreign military missions, department or section chiefs and technical consultants, experts and advisers of international and technical assistance organizations, up to an f.o.b. value of one thousand two hundred dollars for the first year and six hundred dollars for subsequent years.

Ninth category: Press attachés, lieutenants, second lieutenants and ensigns who are members of foreign military missions, up to an f.o.b. value of one thousand dollars for the first year and five hundred dollars for subsequent years.

Technical consultants, experts, advisers and technicians may enjoy such exemption if they belong to international technical assistance organizations, provided an agreement has been signed between a foreign Government or international organization and the

Ecuadorian Government and the right to exemption is expressly established in the said agreement through the participation of the Ministry of Foreign Affairs and the Ministry of Finance.

All other foreign technicians or advisers shall enjoy only the advantages of temporary importation of their effects, which shall be taken out of the country upon termination of their mission and, if sold, shall be liable to the relevant taxes.

Managerial and technical staff with contracts for less than six months shall not be entitled to any exemption. If they have contracts for periods of more than six months but less than one year, they may, as the one and only benefit, be granted exemption for the part of their imports proportionate to their quota, with the exception of vehicles and household furniture.

Foreign technicians who are in the country under an agreement concluded between the organization to which they belong and the Government of Ecuador and are paid by the latter shall not enjoy diplomatic exemption and shall be allowed to import into the country only their baggage and one motor car, within the appropriate category.

Article 2. Administrative personnel, assistants or any other officials and troops belonging to foreign military missions not specifically mentioned in the foregoing categories shall not, even when they belong to diplomatic, consular, military or technical assistance missions or missions of international organizations, be entitled to any special quota or exemption, except for their personal baggage and household effects imported as unaccompanied baggage.

Article 3. Members of the diplomatic corps performing the functions of head of mission, in the capacity of *chargés d'affaires ad interim*, because the principal seat of the representation is not in Ecuador, shall be entitled to the exemption corresponding to the category immediately above their own, in proportion to the period during which they perform their interim functions in the country, provided this period exceeds sixty days.

Article 4. Members of special missions such as the Peace Corps and other similar missions shall, on their arrival in the country, be entitled to import free of duty only their personal baggage and household effects, it being understood that the baggage must come from their last place of residence and within a period of not more than ninety days.

In order to obtain exemption for working materials and equipment of a technical or scientific nature and for social or cultural publicity material, such special missions shall submit in advance to the Ministry of Finance a schedule of their activities and a list of their immediate import needs, covering a period of not less than six months. No exemption shall be granted unless this requirement has been fulfilled.

This treatment may be claimed solely on the basis of the existence of agreements or contracts which have been legally concluded with the Ecuadorian Government, with the compulsory participation of the Ministry of Foreign Affairs and the Ministry of Finance as well as of the Ministry directly concerned with such agreements and provided that the latter expressly stipulate the granting of exemption.

Any contracts or agreements in force not fulfilling the requirement concerning specific authorization by the Ministry of Foreign Affairs and the Ministry of Finance shall be reviewed, brought up to date and renegotiated, in so far as they relate to the granting of diplomatic exemptions, so that the exemptions may be valid.

Article 5. The annual exemption quotas shall apply to diplomatic personnel, career consular agents and personnel of special technical assistance missions, military missions and missions of international organizations already in the country or arriving in the future,

as from the date of presentation of credentials in the case of heads of mission and as from the date on which the Ministry of Foreign Affairs was officially notified of their arrival in the country in the case of other officials.

Article 6. Import quotas are personal and non-transferable. They shall not be accumulated from year to year and exemption shall not be granted in advance for the following year. These quotas shall not be transferred or used for any imports other than those strictly necessary for the personal use of the beneficiary.

Article 7. Where the amount, quality or frequency of the imports, taken individually or as a whole, can be regarded as excessive or beyond what is normally required for personal needs and also exceed the qualitative and quantitative limits fixed for this purpose by mutual agreement between the Ministry of Foreign Affairs and the Ministry of Finance, the imports shall be disallowed by the Ministry of Foreign Affairs, even if the quota has not been filled.

Article 8. All applications for exemption from import duties referred to in this Decree shall be submitted by the head of mission concerned to the Ministry of Foreign Affairs which, after approving them and ascertaining that they are within the relevant quota and within reasonable limits, shall request the necessary clearance and exemption from the Ministry of Finance.

Article 9. Ecuadorian customs and postal authorities shall in no case hand over goods subject to these provisions and entitled to exemption without the prior authorization of the Ministry of Foreign Affairs and the Ministry of Finance. In urgent cases, for instance, when the goods are considered to be perishable or consist of vaccines or medicines and they have been duly approved by the Ministry of Finance, the Ministry may authorize the handing over of the goods. In such cases, in order to validate the exemption, the applicant shall submit the relevant request to the Ministry of Foreign Affairs not later than ten days after the withdrawal of the goods. No mission may request another regular clearance so long as an earlier request has not been validated.

Article 10. Heads of diplomatic missions belonging to the first category may, subject strictly to the principle of international reciprocity, import entirely free of tax not more than two motor cars every two years, without limit as to their value.

Other officials may import motor cars up to the following maximum values:

Officials in categories 2 and 3, up to an f.o.b. value of \$US3,000.

Officials in categories 4 and 5, up to an f.o.b. value of \$US2,500.

Officials in categories 6 and 7, up to an f.o.b. value of \$US2,000.

Officials in categories 8 and 9, up to an f.o.b. value of \$US1,500.

Should an official wish to import a motor car whose ex-factory price is higher than that allowed for his category, he shall, at the time of arrival of the motor car in the country, pay the duties corresponding to the excess price, calculated as though the vehicle were new. In such cases, the fact that the vehicle is a used one and the price quoted for it abroad shall not be taken into consideration.

Officials in the above-mentioned categories may import one motor car duty-free every two years, up to the maximum values listed above.

Article 11. Similarly, subject to the principle of reciprocity, weighted in quantitative terms, each mission may import every three years one vehicle for official use and additional vehicles at the rate of one for every ten career officials and one for every twenty officials in the category of technicians or experts.

In order to obtain this exemption, the diplomatic mission or international organization shall submit with its application the official certificate issued by the competent authority of its Government or of the organization, stating that the vehicle belongs to the State or international organization in question.

Similarly, in order to arrange for the free importation of any merchandise intended for official use, the diplomatic mission or representation of an international organization shall submit with its application the official certificate issued by the Ministry of Foreign Affairs or the competent authority of the international organization.

Article 12. Should it see fit to do so, the Ministry of Foreign Affairs may, in agreement with the Ministry of Finance, cancel or curtail this treatment in application of the principle of reciprocity, weighted in quantitative terms.

Article 13. The sale, assignment, transfer, hire or exchange of the vehicle, free of charge or against payment, or its regular use by someone other than the official or person to whom the exemption was granted, without payment of the duties and without due authorization from the Ministry of Foreign Affairs and the Ministry of Finance, shall constitute tax evasion and be subject to the procedure and penalties established for this offence by the Organic Customs Law.

Proceedings shall be instituted, after notification of the Ministry of Foreign Affairs, on the basis of a duly substantiated report prepared by the competent officials attesting the fact that one of the above-mentioned offences has been committed.

Article 14. The period of two or three years, as the case may be, for the ownership or transfer of duty-free imports shall be reckoned from the date of arrival of the merchandise in the Ecuadorian customs until the conclusion of the official's mission.

Duties shall be payable not later than thirty days after the conclusion of the official's mission.

Article 15. Sale of their vehicles by departing diplomats, international civil servants or members of military and other similar missions, without authorization and without settlement of any duties payable, shall be sufficient grounds for seizure of the vehicle and institution of appropriate legal action.

Article 16. The sale, assignment or transfer, free of charge or against payment, of vehicles or other durable consumer goods and furniture imported duty-free by diplomatic and consular officials, technical assistance officials and members of military missions and international organizations shall require the prior authorization of the Ministry of Foreign Affairs and the Ministry of Finance, which shall not be granted until two years have elapsed, even subject to payment of duties, except when the official is transferred permanently and concludes his mission in the country or in cases of *force majeure* such as the death of the official, withdrawal of the mission, or accident causing the destruction of the vehicles where it is established that the beneficiary of the exemption is in no way at fault.

Article 17. In such cases, when vehicles, movable goods or other durable consumer goods are sold, assigned or transferred, free of charge or against payment, before two years have elapsed, the Ministry of Finance shall, at the request of the Ministry of Foreign Affairs, grant a scaled reduction, the total duties and taxes originally waived being divided into twenty-four parts and one part remitted for every month or fraction of a month during which the vehicle or other goods were in the country. Fractions of a month shall in all cases be counted as a full month. The taxes to be reduced shall comprise those payable from the arrival of the merchandise until the end of the official's mission. The application shall be accompanied by the manufacturer's invoice, without which it will not be considered.

When the sale does not involve duties because more than two years have elapsed, the authorization of the Ministry of Foreign Affairs and the Ministry of Finance shall nevertheless be required.

Vehicles and other durable consumer goods for official use imported duty-free shall not be sold before three years have elapsed in the case of vehicles, unless they are rendered completely unusable as a result of an accident or the mission is withdrawn, and five years in the case of other goods.

For the purpose of determining the duties payable, vehicles rendered unusable by accidents shall be appraised by valuers appointed by the Ministry of Finance and the value thus determined shall be the basis for tax purposes.

Vehicles belonging to members of diplomatic, consular, military and technical assistance missions may be transferred without payment of any duties to other officials entitled to import motor cars in conformity with the provisions of this Decree, the two-year period after which duties are no longer payable being reckoned from the date when the transfer was authorized by the Ministry of Finance, at the request of the Ministry of Foreign Affairs. No vehicle may be transferred more than twice without payment of the relevant taxes.

When granting the sales authorization, the Ministry of Foreign Affairs shall at the same time have the diplomatic licence plates removed from the vehicle.

Vehicles, movable goods and other durable consumer goods imported free of duty which are sold, assigned or transferred, free of charge or against payment, less than two years after being brought into the country and without the prior authorization of the Ministry of Foreign Affairs and the Ministry of Finance shall be liable to all the duties payable at the date of the transaction.

When the transaction involves the payment of duties, it shall be the responsibility of the Ministry of Foreign Affairs to determine what duties are to be paid and to notify the Ministry of Finance accordingly, so that it can submit the necessary assessment. The assessment shall be transmitted to the Ministry of Foreign Affairs which, in turn, shall inform the person concerned.

Article 18. The Ecuadorian traffic authorities may not register or issue licences for vehicles transferred by diplomatic or consular personnel or personnel of technical assistance or military missions unless a certificate issued by the Ministry of Finance is produced, proving that any taxes due have been paid, or that the legal formalities have been fulfilled, if the period during which taxes are payable has expired.

Article 19. In accordance with the provisions of the Organic Customs Law, diplomatic, consular, military and technical assistance missions may import free of duty and for official use solely and exclusively official emblems, flags, coats of arms, office equipment, printed matter, furniture and equipment for the construction and maintenance of their premises, subject to the provisions in the last paragraph of article 11.

Article 20. Embassies and military and technical assistance missions having a staff of at least ten persons may establish commissaries by combining all the personal quotas of their staff members, in which case the individual exemptions shall no longer exist. In no case shall commissaries and personal quotas exist concurrently.

Article 21. In accordance with current international usage, Ecuadorian customs and postal authorities shall immediately deliver, without opening them or inspecting their contents, envelopes, packages and correspondence duly sealed constituting the diplomatic bag, bearing the seal of the Ministry of Foreign Affairs of another country and sent through the diplomatic channel.

Without prejudice to the right of inspection recognized by international conventions, the personal baggage of diplomats, foreign consular officials and heads of technical assistance missions may be delivered without being inspected by the Ecuadorian customs authorities. Similar treatment may be accorded to the personal baggage of members of the households of the above-mentioned officials, provided they hold diplomatic passports.

Unaccompanied baggage belonging to the above-mentioned officials may be cleared without inspection provided it originates in their last place of residence, that it arrives not more than ninety days after the date of the officials' arrival in the country, and that it conforms to the technical and legal definition of baggage. After the expiry of this time-limit, the baggage shall be regarded as an import and shall be dutiable.

Article 22. Imports subject to quotas shall be cleared by the Ecuadorian customs authorities after checking, control and appraisal. The declaration and schedule shall be detailed and comply strictly with the legal and statutory procedures applicable to commercial imports. Generic descriptions such as "food-stuffs", "liquor", "provisions", etc. shall not be acceptable and the amount and value of each article shall be specified in all cases.

Article 23. The Ecuadorian customs and postal authorities shall give precedence, priority and every facility for the clearance of diplomatic imports which have fulfilled the legal requirements applicable to all imports and those established in this Decree.

Article 24. A consular invoice, which shall be duly countersigned and issued gratis, shall be required for importation into the country of duty-free goods with a value of over \$US40.

Article 25. The Ecuadorian customs authorities shall keep a check or running account of duty-free imports and of the amount of duties waived and shall each month submit an itemized list to the Ministry of Foreign Affairs and the Ministry of Finance, in addition to partial summaries as already prepared.

Exemptions from duty shall not be granted for imports of foods similar to those produced in Ecuador, save in exceptional cases previously approved by the Ministry of Foreign Affairs and the Ministry of Finance.

Article 26. The Ecuadorian customs authorities shall each week inform the Ministry of Foreign Affairs and the Ministry of Finance—by memorandum in the case of the authorities in the capital, and by telegram followed by a memorandum in the case of the authorities in other cities—of the nature, amount and value of the goods exempted, indicating the consignees and the amount of duties waived.

If any duty-free goods are handed over without the prior and express authorization of the Ministry of Foreign Affairs and the Ministry of Finance, all the duties shall be levied and the officials who authorized the delivery shall be dismissed.

Article 27. Any current treatment laid down in international agreements or arrangements of any kind which is more favourable than that provided for in this Decree shall be denounced by the Ministry of Foreign Affairs within sixty days following the date of entry into force of this Decree, and in future no treatment more favourable than that provided for in this Decree shall be granted under any circumstances.

Article 28. The application of the principle of international reciprocity shall be the responsibility of the Ministry of Foreign Affairs, which may stipulate in respect of diplomatic representatives the same limitations and treatment as are applied to Ecuadorian diplomats in the countries concerned but in no case may more favourable treatment be granted than that provided for in this Decree.

Article 29. Career members of the Ecuadorian Foreign Service returning home upon termination of their assignments may bring into the country free of duty their personal baggage, furniture and household effects, and not more than one used motor car, subject to the same limitations on value as are laid down for foreign diplomatic officials in article 10 of this Decree; all such belongings must be shipped from a port of the country in which they carried out their duties. Proof that the motor car is used shall be shown by production of the registration papers or customs documents covering its importation into the country from which the diplomat comes. Exemption for such furniture and motor cars shall not be granted more than once a year.

Article 30. In exceptional cases, when an official proves satisfactorily and by production of the necessary documentary evidence that he purchased his motor car before the date on which he was notified of the termination of his assignment abroad and that, for reasons beyond his control, the vehicle had not yet been shipped to him at his place of assignment, it may be shipped direct to Ecuador from a country other than the one in which the official is serving, subject to the prior authorization of the Ministry of Foreign Affairs and the Ministry of Finance.

In order to claim this right, the official must have notified the head of the Ecuadorian diplomatic mission in the country concerned, in writing, of the purchase of the motor car, supplying certified copies of the documentary proof of purchase as soon as it is made. Heads of diplomatic missions shall transmit these data immediately to the Ministry of Foreign Affairs.

Heads of mission in this situation shall submit the necessary proof direct to the Ministry of Foreign Affairs. A copy of the correspondence and documentation shall be sent to the Ministry of Finance for information.

Failure to comply with these formalities shall be sufficient grounds for cancelling the entitlement to exemption.

Article 31. Subject to the maximum values specified in article 10 of this Decree, Ecuadorian officials returning home permanently after serving abroad for more than one year without interruption, under contracts with foreign Governments or with international technical assistance organizations, as experts or advisers, may on one occasion only bring into the country their personal baggage and household effects, and not more than one motor car, all of them used. This shall not apply to administrative personnel assigned under a system of rotation or required to change duty station periodically.

Applications requesting recognition of the right to this exemption shall be submitted in advance to the Ministry of Foreign Affairs accompanied by the necessary documentation proving that the applicant is an expert under contract. After approving the application, the Ministry of Foreign Affairs shall request the Ministry of Finance to authorize shipment of the vehicle and other personal effects.

This exemption shall not be granted to Ecuadorian fellowship-holders, students abroad, officials and officers in the armed forces on active duty, delegates to international conferences or congresses and honorary consular agents or officials, even when they hold diplomatic passports.

Article 32. The transfer of ownership, assignment or transfer, free of charge or against payment, of motor cars imported duty-free by Ecuadorian career diplomats or national officials entitled to this treatment shall require the authorization of the Ministry of Finance, which shall be granted at the request of the Ministry of Foreign Affairs, subject to the following conditions:

(a) When the imported vehicle is a used motor car, it may be sold without payment of any duties after a period of six months has elapsed since the date of its arrival in Ecuador;

(b) When the vehicle in question is a new motor car and the provisions of article 30 of this Decree have been complied with, it may not be sold during the first six months reckoned from the date of its arrival in Ecuador, but it may be transferred on payment of 10 per cent of the duties, from the seventh month up to the end of the first year, after which it shall not be subject to any duties.

Article 33. In the event of the arrival in Ecuador of vessels, aircraft or vehicles belonging to foreign military missions or intended for their temporary or special use and carrying articles or goods of any kind, the mission concerned shall notify the Ministry of Foreign Affairs and the Ministry of Finance in good time so that the vessel or aircraft may be received by the appropriate authorities, in particular the customs authorities, even when it arrives at a military base.

Articles carried by such vessels, vehicles or aircraft, with the exception of war matériel or military equipment, shall be handed over to the Ecuadorian customs authorities and placed in customs warehouses, where they shall remain until clearance has been given and, in the case of personal consumer goods, the relevant quotas have been applied.

When the articles in question are war matériel or military equipment, which by their nature require special precautions, the Ministry of Finance may assign special officials to conduct these formalities.

The authorities of the Ecuadorian Army, Air Force, Navy, Civil Aviation network and Merchant Marine shall insist on compliance with these provisions and co-operate fully with the customs authorities.

Article 34. In order for exemption from duties to be granted in accordance with the established standards and procedures, the import documents must show the diplomatic or technical mission concerned as the signatory and the official concerned as the consignee.

The consular and commercial invoices required for the customs declaration shall state clearly the value, net and gross weight, number of units (figures and measurements), number of litres, bottles, etc.

The purchase of vehicles, merchandise, etc. locally for subsequent replacement, or any other form of advance dealing, even for identical goods, loan or offsetting arrangement, shall be strictly prohibited.

Duty-free merchandise found in any commercial establishment, market or agency and used for payment or compensation shall be considered as illegal imports and seized forthwith.

The Ministry of Finance shall exercise the strictest supervision to ensure compliance with the provisions of this Decree.

Article 35. Borderline cases which arise in the application of these provisions shall be settled by mutual agreement between the Ministry of Foreign Affairs and the Ministry of Finance, with the participation, when necessary, of the Ministry of Defence.

Article 36. The said Ministries shall likewise establish, by mutual agreement, the most suitable administrative procedures and methods, forms and documents for the granting of exemptions.

Article 37. The provisions of the present Decree shall apply to all merchandise shipped to Ecuador from the date of its entry into force.

Modifications, reductions or changes of quota category shall apply automatically from the date of entry into force of this Decree.

Vehicles imported into Ecuador after 15 March—the date of entry into force of Supreme Decree No. 504 of 3 March, amending Supreme Decree No. 1422 of 31 December 1963—for which exemptions have not been granted or are pending shall be subject to the provisions of this Decree.

When a vehicle has already been purchased for importation and the order for it has been accepted and processed by the manufacturers or retailers, if the officials concerned submit documentary evidence to this effect to the Ministry of Foreign Affairs and the Ministry of Finance, exemption from duties may be granted provided the option is exercised not later than thirty days after the entry into force of this Decree.

Express authorization from the Ministry of Finance, granted at the request of the Ministry of Foreign Affairs, shall be required for the shipment of such vehicles, without any exception whatever. Without this transitory authorization, Ecuadorian consular officials shall not countersign shipment papers for vehicles coming outside the scope of this Decree.

Article 38. Supreme Decree No. 1422 (*Registro Oficial* No. 149 of 9 January 1964), Supreme Decree No. 1874 (*Registro Oficial* No. 325 of 3 September 1964), Supreme Decree No. 504 (*Registro Oficial* No. 711 of 15 March 1966) and any special or general provisions which conflict with this Decree shall be repealed.

Article 39. Since the granting and control of diplomatic exemptions and privileges is the exclusive function of the Ministry of Foreign Affairs and the Ministry of Finance, no agreement shall be applicable to such exemptions and privileges unless these Ministries have participated or participate in their negotiation. Agreements concluded before this date shall be denounced within a period of sixty days, after notification of the Parties by the Ministry of Foreign Affairs, and shall be renegotiated before they are valid. It shall be understood that the denunciation of such agreements covers and relates exclusively to all matters connected with the granting of diplomatic exemptions and privileges.

Article 40. The Minister for Foreign Affairs and the Minister of Finance shall be responsible for the execution of this Decree, which shall enter into force on the date of its publication.

DONE at Quito, in the National Palace, on 10 October 1966.

Clemente YEROVI INDABURU
Acting President of the Republic
José RUMAZO GONZÁLEZ
Acting Minister for Foreign Affairs
Renato PÉREZ DROUET
Minister of Finance

(d) EXECUTIVE DECREE NO. 114 OF 10 FEBRUARY 1967 AMENDING DECREE NO. 1228 OF 10 OCTOBER 1966 ON PRIVILEGES AND EXEMPTIONS IN RESPECT OF THE VARIOUS CATEGORIES¹⁰

OTTO AROSEMENA GOMEZ,
ACTING CONSTITUTIONAL PRESIDENT OF THE REPUBLIC,

Considering:

That certain diplomatic privileges and exemptions should be modified in order to make them more flexible and in keeping with the requirements of international organizations for the better fulfilment of their objectives in connexion with the country's economic and social development programmes, the provisions of paragraphs 4, 5 and 6 (b) of article 15 of the Organic Customs Law now in force being adjusted accordingly,

Decrees:

That the following articles of Decree No. 1228 of 10 October 1966 shall be amended as follows:

Article 1. The clauses of article 1 relating to the categories contained in the above-mentioned Decree shall be deleted and replaced by the following:

First category: Heads of diplomatic missions with the rank of ambassador or minister plenipotentiary, up to an f.o.b. value of five thousand dollars for the first year and three thousand dollars for subsequent years.

Second category: Chargés d'affaires *en titre*, up to an f.o.b. value of four thousand three hundred dollars for the first year and two thousand three hundred dollars for each subsequent year.

Third category: Minister-counsellors, service attachés with the rank of general officer, heads of technical assistance missions and generals who are members of foreign military missions and are serving in the country by virtue of agreements or contracts concluded or to be concluded between the National Government and foreign Governments or international organizations, up to an f.o.b. value of three thousand nine hundred and fifty dollars for the first year and two thousand dollars for subsequent years.

Fourth category: Counsellors, career consuls general and heads of division of international technical assistance missions, up to an f.o.b. value of three thousand five hundred and fifty dollars for the first year and one thousand eight hundred dollars for subsequent years.

Fifth category: First secretaries, service attachés with the rank of lieutenant-colonel or major, senior career consuls, lieutenant-colonels and majors who are members of foreign military missions, up to an f.o.b. value of three thousand one hundred dollars for the first year and one thousand six hundred dollars for subsequent years.

Sixth category: Second secretaries, career consuls, administrative and section chiefs of international technical assistance organizations, up to an f.o.b. value of two thousand six hundred dollars for the first year and one thousand three hundred and fifty dollars for subsequent years.

Seventh category: Third secretaries, career vice-consuls, captains acting as adjutants to service attachés or members of foreign military missions, non-service commercial, cultural, press and other diplomatic attachés, and consultants, experts and technical advisers of international technical assistance organizations, up to f.o.b. value of two thousand two hundred

¹⁰ Translation by the Secretariat of the United Nations.

and fifty dollars for the first year and one thousand two hundred and fifty dollars for subsequent years.

Eighth category: Lieutenants, second lieutenants and ensigns acting as adjutants to service attachés or members of foreign military missions, up to an f.o.b. value of one thousand four hundred and fifty dollars for the first year and eight hundred dollars for subsequent years.

Ninth category: Troops serving in foreign military missions and civilian technicians employed in the Latin American System of Military Communications, up to an f.o.b. value of eight hundred dollars for the first year and six hundred dollars for subsequent years.

The provisions of this Decree shall not apply to technicians, experts, advisers, etc., whatever their rank, who are privately contracted by public or private bodies, or to residents of the country, whatever type of contract they hold and to whatever national or international organization they belong.

Article 2. Article 2 shall be deleted and replaced by the following:

Article 2. Subject to the principle of the strictest reciprocity, foreign non-diplomatic administrative personnel shall enjoy exemption from customs duties for the importation, on one occasion only and within one hundred and twenty days of their arrival in the country, of their personal baggage and household effects intended for their initial installation. Similarly, they may, on one occasion only and within the same period of time and provided they have not previously resided in the country, import one used motor car whose original ex-factory value was not more than two thousand two hundred dollars, the sale of such vehicle to be subject to the regulations laid down in articles 13, 14, 15, 16 and 17.

Article 3. Article 4 shall read as follows:

Article 4. Members of special missions, such as Peace Corps and other similar volunteers, shall have the right on their arrival in the country to import free of duty only their personal baggage and household effects intended for their initial installation, it being understood that the effects must come from their last place of residence and within a period of not more than 120 days.

Except for the exemptions already granted in the UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials of 22 November 1950, technical assistance missions intending to import vehicles, material and equipment shall submit to the Ministry of Finance in advance a schedule of their activities and immediate requirements in respect of future imports over a period of not less than six months. No exemption from customs duties shall be granted unless this condition is fulfilled.

Paragraphs 3 and 4 shall retain their present wording.

Article 4. The maximum values established in article 10 for importation of motor cars shall be deleted and replaced by the following:

For persons in categories 2 and 3, up to an ex-factory value of \$4,200.

For persons in categories 4 and 5, up to an ex-factory value of \$3,700.

For persons in categories 6 and 7, up to an ex-factory value of \$3,200.

For persons in category 8, up to an ex-factory value of \$2,700.

For persons in category 9, up to an ex-factory value of \$2,200.

The last paragraph of article 10 shall be deleted.

Article 5. The first paragraph of article 11 shall be replaced by the following:

Similarly, subject to the principle of reciprocity, each mission may import, once very three years, one vehicle for its official use and additional vehicles in reasonable proportion to the number of personnel and service requirements. The Ministry of Foreign Affairs and the Ministry of Justice may limit the number of such imports if, in their opinion, they are excessive.

Article 6. In article 16 the phrase "or other durable consumer goods and furniture" shall be deleted.

Article 7. Article 21 shall read as follows:

In accordance with normal international usage, the Ecuadorian customs and postal authorities shall deliver immediately, without opening them or inspecting their contents, envelopes, packages and correspondence duly sealed constituting the diplomatic bag, bearing the seal of the Ministry of Foreign Affairs of another country and sent through the diplomatic channel.

Without prejudice to the right of inspection recognized under international agreements, the personal baggage of diplomats, foreign consular officials, heads of technical assistance missions and their families may be delivered without being examined.

Similar treatment may be granted to the administrative staff and experts of technical assistance missions.

The furniture and household effects intended for the initial installation of personnel to whom this Decree applies shall, except where specifically indicated, be free of duty, provided they are sent from the last country of residence and are imported within a period of not more than 120 days, which may be extended, where the delay is justified, by the Ministry of Finance at the request of the Ministry of Foreign Affairs.

Article 8. Sub-paragraphs (a) and (b) of article 32 shall be deleted and replaced by the following:

(a) When the imported vehicle is a used motor car, it may be sold free of all duties and without any restrictions.

(b) When the vehicle in question is a new motor car and all the provisions of article 30 have been fulfilled, it may be sold within a period of six months of its arrival in the country on payment of 10 per cent of the corresponding duties. From the seventh month onwards, it shall be free of all duties.

Article 9. Article 39 shall be deleted and replaced by the following:

Article 39. The granting and control of diplomatic privileges and exemptions being the exclusive prerogative of the Ministry of Foreign Affairs and the Ministry of Finance, these Ministries shall in all cases participate in the negotiation of any agreement or arrangement under which such privileges and exemptions are granted.

Agreements or arrangements signed before this date which do not fulfil the requirements laid down in the preceding paragraph or which grant more favourable treatment, shall be subject to renegotiation with a view to unifying and amending the concessions granted under the provisions of the present Decree.

Article 10. The Ministry of Foreign Affairs and the Ministry of Finance shall be responsible for the execution of this Decree.

DONE at Quito, in the National Palace, on 10 February 1967.

Otto AROSEMENA GOMEZ
Acting Constitutional President of the Republic

Jorge CARRERA ANDRADE
Minister for Foreign Affairs

Federico INTRIAGO ARRATO
Minister of Finance

5. Ireland

DIPLOMATIC RELATIONS AND IMMUNITIES ACT, 1967

An Act¹¹ to enable effect to be given so far as Ireland is concerned to certain international conventions respecting diplomatic and consular relations, immunities and privileges and certain international conventions and agreements respecting the immunities and privileges of the United Nations and certain other international organizations, for those purposes to make provision as respects such relations, immunities and privileges and to provide for other matters connected with the matters aforesaid.

[15 April 1967]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Part I

Preliminary and General

1. This Act may be cited as the Diplomatic Relations and Immunities Act, 1967.
2. In this Act "the Minister" means the Minister for External Affairs.

...

Part III

General Convention on the Privileges and Immunities of the United Nations

7. In this Part—
"the Convention" means the General Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on the 13th day of February, 1946, as set out in the *Third Schedule* to this Act;
"the Court" means the International Court of Justice;
"the Organization" means the United Nations Organization.
8. The Organization shall have the legal capacity of a body corporate.
9. The Organization and its property and a person in relation to whom the Convention applies and the property of such a person shall have and enjoy inviolability, exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to

¹¹ No. 8 of 1967.

such limitations (including the waiver thereof) as are provided for in each case by the Convention.

10. Judges of the Court, the Registrar of the Court and a person acting as such Registrar shall, when engaged on the business of the Court and during any journeys connected with the exercise of their functions, have and enjoy the same inviolability, exemptions, facilities, immunities, privileges and rights as are accorded to a head of a diplomatic mission under the Convention set out in the *First Schedule* to this Act.

11. Judges of the Court shall enjoy exemption from income tax (including sur-tax) in respect of emoluments received by them as such judges.

12. Persons, not being Irish citizens, engaged in appearing before the Court as representatives of a government or as advocates shall, when so engaged and during any journeys in connection with the matters on which they are so engaged, have and enjoy immunities and privileges corresponding to those conferred by Sections 11 to 13 of Article IV of the Convention.

13. Persons engaged in appearing as witnesses before the Court or in performing duties assigned to them by the Court and assessors of the Court engaged on the business of the Court shall, while so engaged, and during any journeys in connection with the matters on which they are so engaged, have and enjoy the same immunities and privileges as are conferred by Section 22 of Article VI of the Convention.

14. Officials of the Court shall, when engaged on the business of the Court and during any journeys connected with such business, have and enjoy such facilities and immunities as may be necessary for the independent exercise of their functions.

15. (1) The inviolability and the exemptions, facilities, immunities, privileges and rights conferred by this Act on a judge of the Court, the Registrar of the Court and the person acting as such Registrar and the immunities and privileges conferred by this Act on a person engaged in appearing as a witness before the Court or in performing duties assigned to him by the Court and on an assessor of the Court may be waived by the Court.

(2) The immunities and privileges conferred by this Act on persons engaged in appearing before the Court as representatives of a government or as advocates may be waived by the Government that they represent before the Court.

(3) The facilities and immunities conferred by this Act on officials of the Court (other than the Registrar of the Court) may be waived by the Registrar of the Court.

Part IV

Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations

16. In this Part—

“the Convention” means the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations adopted by the General Assembly of the United Nations on the 21st day of November, 1947, and the Annexes thereto, as set out in the *Fourth Schedule* to this Act and any annex thereto standing specified in an order under section 17 of this Act;

“organisation to which this Part applies” means—

- (a) (i) the World Health Organization;
- (ii) the International Civil Aviation Organization;
- (iii) the International Labour Organisation;
- (iv) the Food and Agriculture Organization of the United Nations;

- (v) the United Nations Educational, Scientific and Cultural Organization;
- (vi) the International Bank for Reconstruction and Development;
- (vii) the International Monetary Fund;
- (viii) the Universal Postal Union;
- (ix) the International Telecommunication Union;
- (x) the World Meteorological Organization;
- (xi) the Inter-Governmental Maritime Consultative Organization;
- (xii) the International Finance Corporation;
- (xiii) the International Development Association; and

(b) an organisation standing designated for the time being by order under section 17 of this Act.

17. The Government may from time to time by order designate an international organization to be an organization to which this Part applies if the organization is in relationship with the United Nations Organization in accordance with Articles 57 and 63 of the Charter of the United Nations Organization and shall provide in the order that the annex to the Convention that relates to the organization and is specified in the order shall have effect in relation thereto, subject, if the organization has approved of the annex subject to amendments, to those amendments.

20. An organization to which this Part applies and its property and a person in relation to whom the Convention applies and the property of such a person shall have and enjoy inviolability, exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as are provided for in each case by the Convention in accordance with Sections 33, 36 and 38 thereof.

...

Part VIII

General

39. In this Part "organisation to which this Part applies" means an international organisation, community or body standing designated for the time being by order under section 40 of this Act.

40. (1) The Government may by order designate an international organisation, community or body of which the State or the Government is or intends to become a member to be an organisation to which this Part of this Act applies and may, by the order, make provision for the purposes of section 42 of this Act, as respects inviolability, exemptions, facilities, immunities, privileges and rights in relation to the organisation.

(2) The Government may by order revoke or amend an order under this section including an order under this subsection.

41. An organization to which this Part applies shall have the legal capacity of a body corporate.

42. An organization to which this Part applies, its institutions or organs, its property and a person who is a member of any of its institutions or organs, an official of the organization or a delegate to, or a representative of a state or government that is a member of, the organization or is performing duties assigned to him by the organization and any person, being a spouse of such person or a member of his family dependent on him, shall have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as may be provided for in each case in the order under section 40 of this Act in relation to the organization.

43. (1) The Government may, as respects an international judicial body or a semi-judicial body established under an agreement to which the State or the Government is or intends to become a party or an arbitration or conciliation board established by or on behalf of or for the purposes of an international organisation to which this Part applies, by order make provision as respects inviolability and exemptions, facilities, immunities, privileges and rights in relation to judges and registrars of the body, persons engaged in appearing as advocates or witnesses before the body or board or in performing duties assigned to them by the body or board and persons who are parties to a suit before the body or board or apply to the body or board in relation to the commencement of a suit or other proceedings before the body or board and their advisers.

(2) The Government may, by order, revoke or amend an order under this section, including an order under this subsection.

(3) A person, body or board referred to in subsection (1) of this section shall have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as may be provided for in each case in the relevant order under this section.

44. The Minister may, in relation to a conference which—

(a) is being or will be held in the State, and

(b) is being or will be attended by representatives of the Government or the State and of another government or other governments or another state or other states,

cause notice of the holding of the conference and the dates thereof to be published in *Iris Oifigiúil*.

45. A person attending on behalf of a government or state a conference in the State in respect of which a notice has been published pursuant to section 44 of this Act shall, during the conference and on the day immediately preceding and the day immediately succeeding the conference, have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as a member of a diplomatic mission under the convention set out in the *First Schedule* to this Act.

46. (1) A person who wilfully hinders, restricts or prevents the enjoyment or exercise of inviolability or an exemption, facility, immunity, privilege or right conferred by this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both the fine and the imprisonment.

(2) Proceedings for the prosecution of an offence under this section shall not be instituted without the certificate of the Minister that the institution of the proceedings is in his opinion expedient.

47. In proceedings in any court a certificate purporting to be under the seal of the Minister and stating any fact relevant to determine whether a judicial or semi-judicial body, an arbitration or conciliation board, an organisation, community, body, diplomatic mission, consular post or person is entitled to inviolability or to an exemption, facility, immunity, privilege or right under a provision of this Act or of an order made under this Act shall be *prima facie* evidence of the fact.

...

49. Officials of an international organization, community or body referred to in this Act or an organization to which this Part applies serving in the State or persons performing

duties in the State assigned to them by any such organization, community or body shall not be appointed from among persons who are Irish citizens except with the consent of the Government, and the consent may be withdrawn at any time.

First Schedule

VIENNA CONVENTION ON DIPLOMATIC RELATIONS

[Not reproduced]¹²

Third Schedule

**GENERAL CONVENTION ON THE PRIVILEGES AND IMMUNITIES
OF THE UNITED NATIONS**

[Not reproduced]¹³

Fourth Schedule

**CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED
AGENCIES OF THE UNITED NATIONS**

[Not reproduced]¹⁴

6. Malaysia

FOREIGN REPRESENTATIVES (PRIVILEGES AND IMMUNITIES) ACT, 1967

An Act¹⁵ to enable certain privileges and immunities to be conferred, on the basis of reciprocity of treatment on representatives of foreign countries, being representatives who are other than those accredited as diplomatic and consular representatives

[3rd August, 1967]

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 Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Foreign Representatives (Privileges and Immunities) Act, 1967, and shall apply throughout Malaysia.

2. (1) Where the Yang di-Pertuan Agong is satisfied that a representative of the Federation who is accredited to or stationed in a foreign country is accorded any of the privileges and immunities specified in the Vienna Conventions on Consular and Diplomatic Relations, he may, on the basis of reciprocity of treatment, by order, direct that such representative of the foreign country as may be specified in the order, being a representative who is accredited to or stationed in the Federation be accorded with any of the said privileges and immunities.

(2) The order made under this section shall have effect notwithstanding the provisions of any written law to the contrary.

¹² See United Nations, *Treaty Series*, vol. 500, p. 95.

¹³ *Ibid.*, vol. 1, p. 15 and vol. 90, p. 327.

¹⁴ *Ibid.*, vol. 33, p. 261.

¹⁵ No. 34 of 1967. Assented to on 20 July 1967.

3. Nothing in this Act shall be so construed as to preclude the Yang di-Pertuan Agong from declining to accord privileges or immunities to, or from withdrawing the same from, the representatives of any foreign country on the ground that such country is failing to accord corresponding privileges and immunities to the representatives of the Federation.

4. For the purpose of this Act, "representative" means a representative other than a diplomatic and consular representative.

7. Malta

APPLICATION OF PART III OF THE DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT ORDER, 1966¹⁶

Date of commencement: 25th October, 1966.

IN EXERCISE of the powers conferred by section 5 of the Diplomatic Immunities and Privileges Act, 1966,¹⁷ the Honourable Minister of Commonwealth and Foreign Affairs has made the following order:

1. This order may be cited as the Application of Part III of the Diplomatic Immunities and Privileges Act Order, 1966.

2. The organizations set out in the Schedule to this order (hereinafter referred to as "the organizations") are organizations of which Malta or the Government thereof and one or more other states or the government or governments thereof are members.

3. The organizations shall enjoy the immunities and privileges set out in Part I of the Second Schedule to the Diplomatic Immunities and Privileges Act, 1966 and shall have the legal capacities of a juridical person.

Schedule

The United Nations Organization
The International Labour Organisation
The Inter-Governmental Committee for European Migration
The Food and Agriculture Organization of the United Nations
The United Nations Educational, Scientific and Cultural Organization
The World Health Organization
The International Civil Aviation Organization
The International Telecommunication Union
The Universal Postal Union
The Council of Europe
The Inter-Governmental Maritime Consultative Organization
The General Agreement on Tariffs and Trade
The Commonwealth Secretariat.

¹⁶ Legal notice 67 of 1966. Came into force on 25 October 1966.

¹⁷ See *Juridical Yearbook, 1966*, p. 6.

8. New Zealand

THE DIPLOMATIC PRIVILEGES (FAO) ORDER 1959¹⁸, AMENDMENT NO. 2

Bernard FERGUSON, Governor-General

By his Deputy

Richard WILD

ORDER IN COUNCIL

At the Government House at Wellington this 10th day of May 1967

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Diplomatic Immunities and Privileges Act 1957,¹⁹ His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and in respect of clause 3 of this order at the request and with the consent of the Government of the Cook Islands given in accordance with the Constitution of the Cook Islands, hereby makes the following order.

ORDER

1. This order may be cited as the Diplomatic Privileges (FAO) Order 1959, Amendment No. 2, and shall be read together with and deemed part of the Diplomatic Privileges (FAO) Order 1959 * (hereinafter referred to as the principal order).

2. Clause 12 of the principal order is hereby amended by inserting, after the words "Deputy Director-General", the words "and any Assistant Director-General".

3. This order shall be in force in the Cook Islands.

T. J. SHERRARD
Clerk of the Executive Council

* S.R. 1959/52—Amendment No. 1: S.R. 1961/14

¹⁸ 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. 37.

¹⁹ *Ibid.*, vol. I (ST/LEG/SER.B/10), p. 55.