

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1971

Part One. Legal status of the United Nations and related intergovernmental organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related intergovernmental organizations



Copyright (c) United Nations

CONTENTS

	<i>Page</i>
FOREWORD	xxv
ABBREVIATIONS	xxvi

Part One. Legal status of the United Nations and related intergovernmental organizations

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

1. <i>Argentina</i>	
Law prohibiting the use of the emblem, official seal and name of the United Nations without authorization by the Secretary-General of the Organization	3
2. <i>Brazil</i>	
Note dated 26 June 1972 from the Permanent Representative of Brazil to the United Nations	3
3. <i>Canada</i>	
Privileges and Immunities (International Organizations) Act Joint Organizing Committee for GARP Privileges and Immunities Order 1971	4
4. <i>Federal Republic of Germany</i>	
Ordinance of 18 March 1971 concerning the granting of privileges and immunities to the specialized agencies of the United Nations	5
5. <i>Fiji</i>	
(a) Diplomatic Privileges and Immunities Act, 1971	7
(b) Diplomatic Privileges (International Organisations) Order, 1971	14
(c) Diplomatic Privileges (Persons appointed to public service of Fiji) Order, 1971	15
(d) Diplomatic Privileges (Employees of International Organisations) Order, 1971	15
(e) Diplomatic Privileges and Immunities (Amendment) Act, 1971	15

CHAPTER II. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS

1. <i>Convention on the Privileges and Immunities of the United Nations. Approved by the General Assembly of the United Nations on 13 February 1946</i>	17
---	----

Chapter I

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

1. Argentina

LAW PROHIBITING THE USE OF THE EMBLEM, OFFICIAL SEAL AND NAME OF THE UNITED NATIONS WITHOUT AUTHORIZATION BY THE SECRETARY-GENERAL OF THE ORGANIZATION ¹

In exercise of the powers conferred by article 5 of the Statute of the Argentine Revolution,

The Commander-in-Chief of the Air Force, acting in performance of the office of the Presidency of the nation, proclaims and promulgates with the force of law:

Article 1. The use of the emblem, official seal and name of the United Nations without prior authorization by the Secretary-General of that Organization shall be prohibited throughout the territory of the Republic.

Article 2. This law shall be made known, published, transmitted to the Central Office of the Official Registry and deposited in the archives.

REY
Ismael E. BRUNO QUIJANO

2. Brazil

NOTE DATED 26 JUNE 1972 FROM PERMANENT REPRESENTATIVE OF BRAZIL
TO THE UNITED NATIONS

...

3. As to measures relating to the legal status or privileges and immunities of the specialized agencies, the Brazilian Postal and Telegraph Company has announced that arrangements have been made to formalize the concession to official United Nations mail of the same franking privileges accorded to mail of the diplomatic corps of countries members of the 1966 Postal Union Convention of the Americas and Spain, promulgated in Brazil in 1969.

4. In 1971, authorization was granted for the conclusion with the United Nations Food and Agriculture Organization (FAO) of specific agreements pertaining to the holding

¹ No. 19,352 of 2 December 1971. Translation by the Secretariat of the United Nations.

in Brazil of the Technical Conference on Planning and Operation of Wholesale Markets in Latin America and of the Second Session of the Committee on rice for the Americas. In connexion with those meetings, all the privileges and immunities provided for in the Conventions on the privileges and immunities of the United Nations and the specialized agencies were accorded to delegates and observers and to FAO, its properties, funds and assets, as well as the staff of the Organization.

...

3. Canada

PRIVILEGES AND IMMUNITIES (INTERNATIONAL ORGANIZATIONS) ACT JOINT ORGANIZING COMMITTEE FOR GARP PRIVILEGES AND IMMUNITIES ORDER, 1971

P.C. 1971-2209

19 October, 1971

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs with the concurrence of the Minister of the Environment, pursuant to section 3 of the Privileges and Immunities (International Organizations) Act,² is pleased hereby to make the annexed Order respecting Privileges and Immunities in Canada of the Joint Organizing Committee of the World Meteorological Organization and the International Council of Scientific Unions for the Global Atmospheric Research Programme.

ORDER RESPECTING PRIVILEGES AND IMMUNITIES IN CANADA OF THE JOINT ORGANIZING COMMITTEE OF THE WORLD METEOROLOGICAL ORGANIZATION AND THE INTERNATIONAL COUNCIL OF SCIENTIFIC UNIONS FOR THE GLOBAL ATMOSPHERIC RESEARCH PROGRAMME

Short Title

1. This Order may be cited as the *Joint Organizing Committee for GARP Privileges and Immunities Order, 1971*.

Interpretation

2. In this Order,
- (a) "Convention" means the Convention on the Privileges and Immunities of the United Nations;³ and
 - (b) "Committee" means the Joint Organizing Committee of the World Meteorological Organization and the International Council of Scientific Unions for the Global Atmospheric Research Programme.

General

3. During the period commencing October 20, 1971, and terminating October 30, 1971,

² See United Nations Legislative Series, *Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations* (ST/LEG/SER.B/10), p. 10 and *Juridical Yearbook*, 1965, p. 3.

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

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

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

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

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

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

4. Federal Republic of Germany

ORDINANCE OF 18 MARCH 1971 CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO THE SPECIALIZED AGENCIES OF THE UNITED NATIONS ⁴

Pursuant to article 3 of the Act of 22 June 1954 concerning the accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of 21 November 1947 and the granting of privileges and immunities to other international organizations (*Bundesgesetzblatt* 1954 II, p. 639),⁵ as most recently amended by Act of 28 February 1964 (*Bundesgesetzblatt* II, p. 187),⁶ the Federal Government, with the assent of the *Bundesrat*, orders as follows:

Article 1

(1) The Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, together with its annexes I to VI, VIII and IX, XI to XIV as well as Annex II in its first revision of 26 May 1960 and its second revision of 28 December 1965,⁷ Annex VII in its first revision of 1 June 1950, its second revision of 1 July 1957 and its third revision of 25 July 1958, and Annex XII in its revision of 9 July 1968,⁸ shall apply in respect of the granting of privileges and immunities to the following specialized agencies of the United Nations:

International Labour Organisation
(ILO—Annex I)

Food and Agriculture Organization of the United Nations
(FAO—Annex II)

⁴ Translation by the Secretariat of the United Nations.

⁵ See United Nations Legislative Series, *Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations* (ST/LEG/SER.B/11), p. 25.

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

⁷ *Ibid.*, 1965, p. 43.

⁸ *Ibid.*, 1968, p. 66.

International Civil Aviation Organization
(ICAO—Annex III)
United Nations Educational, Scientific and Cultural Organization
(UNESCO—Annex IV)
International Monetary Fund
(FUND—Annex V)
International Bank for Reconstruction and Development
(BANK—Annex VI)
World Health Organization
(WHO—Annex VII)
Universal Postal Union
(UPU—Annex VIII)
International Telecommunication Union
(ITU—Annex IX)
World Meteorological Organization
(WMO—Annex XI)
Inter-Governmental Maritime Consultative Organization
(IMCO—Annex XII)
International Finance Corporation
(IFC—Annex XIII)
International Development Association
(IDA—Annex XIV)

(2) Hereinafter shall be published:

Annexes I, III to VI, VIII, IX and XI, XIII and XIV, annex II in the original version and in its first and second revisions, annex VII in its first, second and third revisions, and annex XII in the original version and in its first revision.

Article 2

This Ordinance shall apply also in *Land Berlin* in accordance with article 14 of the Third Transitional Act of 4 January 1952 (*Bundesgesetzblatt I*, p. 1) read in conjunction with article 4 of the Act of 22 June 1954 concerning the accession of the Federal Republic of Germany to the Convention on the privileges and immunities of the specialized agencies of the United Nations of 21 November 1947 and the granting of privileges and immunities to other international organizations (*Bundesgesetzblatt 1954 II*, p. 639), as most recently amended by Act of 28 February 1964 (*Bundesgesetzblatt II*, p. 187).

Article 3

(1) This Ordinance shall enter into force:

(a) For the purposes of annexes I, III to VI, IX and XI as well as annex II in the original version and annex VII in its first revision, with retroactive effect as from 10 October 1957,

(b) For the purposes of annex VIII, with retroactive effect as from 19 May 1958,

(c) For the purposes of annex VII in its second revision, with retroactive effect as from 5 September 1958,

(d) For the purposes of annex VII in its third revision, retroactive with effect as from 11 February 1959,

(e) For the purposes of annex XII in the original version, with retroactive effect as from 12 January 1962,

(f) For the purposes of annex XIII, with retroactive effect as from 12 April 1962,

(g) For the purposes of annex II in its first revision, retroactive with effect as from 23 May 1963,

(h) For the purposes of annex II in its second revision, annex XII in its first revision and annex XIV, on the date on which the said Annexes enter into force for the Federal Republic of Germany; notice of the date of entry into force shall be published in the *Bundesgesetzblatt*.

(2) This Ordinance shall cease to have effect on the date on which the international agreements referred to in article 1 cease to have effect. In the event that individual annexes cease to have effect, the Ordinance shall cease to have effect in so far as it relates to such annexes. Notice of the date on which they cease to have effect shall be published in the *Bundesgesetzblatt*.

Bonn, 18 March 1971

BRANDT
Federal Chancellor

SCHEEL
Federal Minister for Foreign Affairs

ANNEXES

[Not reproduced]

5. Fiji

(a) DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT, 1971

An Act⁹ to amend the law relating to diplomatic privileges and immunities and to give effect to the Vienna Convention on Diplomatic Relations.

[13th May, 1971]

Enacted by the Parliament of Fiji:—

1. This act may be cited as the Diplomatic Privileges and Immunities Act, 1971.

2.—(1) In this Act, unless the context otherwise requires—“Convention” means the Vienna Convention on Diplomatic Relations signed in 1961, a copy of the English text of which is set out in the First Schedule to this Act;

“organisation” means any organisation referred to in section 6 of this Act;

“mission” means a diplomatic mission of any State;

“State” means a foreign state or any Commonwealth country.

(2) All expressions used in this Act and defined in Article 1 of the Convention have the same meanings as those given to them in the Convention.

3.—(1) Subject to the provisions of subsection (6) of this section, the provisions of Articles 1, 22 to 24 inclusive, and 27 to 40 inclusive of the Convention shall have the force of law in Fiji.

⁹ No. 26 of 1971. Assented to on 13 May 1971.

(2) Without prejudice to the provisions of the last preceding subsection, the Minister, with the concurrence of the Minister responsible for finance, may from time to time determine, either generally or in any case or class of case, the fiscal privileges which shall be accorded to any mission or persons connected with any mission, notwithstanding that the determination may extend treatment more favourable than that required by the provisions of the Convention, and may in like manner determine the terms and conditions on which those privileges may be enjoyed.

(3) For the purpose of giving effect to any custom or agreement by which Fiji and any other State extend to each other treatment more favourable than is required by the provisions of the Convention, the Minister may from time to time, by order, declare that a mission of that State and persons connected with that mission shall be accorded such immunity from jurisdiction and inviolability, as are specified in the order:

Provided that nothing in this subsection shall apply with respect to persons to whom section 4 of this Act applies.

(4) In subsections (2) and (3) of this section, the expression "treatment more favourable" includes the according of privileges or immunities, as the case may be, to persons who under the Convention may enjoy privileges and immunities only to the extent admitted by the receiving State.

(5) Where, by or by virtue of this Act, immunity from jurisdiction is accorded to persons who are not diplomatic agents or persons enjoying immunity under Article 37 of the Convention, the immunity accorded to those first-mentioned persons may be waived in the manner and subject to the conditions specified in Article 32 of the Convention and the waiver shall have the same consequences as a waiver under that Article.

(6) For the purposes of the provisions of the Articles referred to in subsection (1) of this section—

(a) a reference in those provisions to the receiving State shall be construed as a reference to Fiji;

(b) a reference in those provisions to a national of the receiving State shall be construed as a reference to a Fiji citizen;

(c) the reference in paragraph 1 of Article 22 to agents of the receiving State shall be construed as including a reference to any police officer and any person exercising a power of entry to premises;

(d) the reference in Article 32 to waiver by the sending State shall be construed as including a waiver by the head of the mission of the sending State or by a person for the time being performing the functions of the head of mission;

(e) Articles 35, 36 and 40 shall be construed as granting the privileges or immunities that those Articles require to be granted;

(f) the reference in paragraph 1 of Article 36 to such laws and regulations as the receiving State may adopt shall be construed as including a reference to any law in force in Fiji relating to the quarantine, or the prohibition or restriction of the importation into or the exportation from Fiji of animals, plants, or goods:

Provided that any immunity from jurisdiction that a person may possess or enjoy by virtue of subsection (1) of this section shall not be prejudiced;

(g) the reference in paragraph 4 of Article 37 to the extent to which privileges and immunities are admitted by the receiving State, and the reference in paragraph 1 of Article 38 to any additional privileges and immunities that may be granted by the receiving State, shall, so far as they relate to privileges, be construed as references to such determinations as may be made by the Minister pursuant to subsection (2) of this section, and, so far as they

relate to immunities, be construed as references to such immunities as may be conferred by an order under subsection (3) of this section;

(h) the reference in paragraph 2 of Article 38 to the extent to which privileges and immunities are admitted by the receiving State shall, so far as it relates to privileges, be construed as reference to such determinations as may be made by the Minister pursuant to subsection (2) of this section, and, so far as it relates to immunities, be construed, in relation to persons to whom section 4 of this Act applied, as a reference to immunities conferred by that section, and, in relation to other persons to whom that paragraph applies, as a reference to such immunities as may be conferred by an order under subsection (3) of this section.

4. The members of the administrative and technical staff, and members of the service staff, of a mission who are Fiji citizens or are permanently resident in Fiji shall be accorded immunity from jurisdiction, and inviolability, only in respect of official acts performed in the exercise of their functions.

5. Where the Minister is satisfied that the privileges and immunities accorded in relation to a mission of Fiji in any State, or to persons connected with that mission, are less than those conferred by or by virtue of this Act in relation to the mission of that State, or to persons connected with that mission, he may, by order, withdraw, modify, or restrict, in relation to that mission or to persons connected with that mission, such of the privileges and immunities so conferred to such extent as appears to him to be proper.

6.—(1) This section shall apply to any organisation declared by the Minister, by order, to be an organisation of which two or more States or the Governments thereof are members.

(2) The Minister may from time to time, by order—

(a) provide that any organisation to which this section applies shall, to such extent as may be specified in the order, have the privileges and immunities specified in the Second Schedule to this Act, 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 at any conference convened by 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 may be specified in the order, the privileges and immunities specified in the Third Schedule to this Act;

(c) confer upon such other classes of officers and servants of the organisation as are specified in the order, to such extent as may be so specified, the privileges and immunities specified in the Fourth Schedule to this Act, and the Fifth Schedule to this Act 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 members of the families forming part of the household of officers of the organisation any privileges and immunities conferred on the representatives, members, or officers under that paragraph, except in so far as the operation of the Fifth Schedule to this Act is excluded by the order conferring the privileges and immunities:

Provided that no order made under the provisions of this subsection shall confer any privilege or immunity upon any person as the representative of Her Majesty in right of Fiji or of the Government of Fiji or as a member of the staff of such a representative.

7.—(1) Whenever the services of any person are provided for appointment to the public service of Fiji pursuant to an agreement between any of the international organisations specified in the Sixth Schedule to this Act and the Government of Fiji, it shall be lawful for the Minister by order to confer upon any such person to such extent as may be specified therein the immunities and privileges set out in the Seventh Schedule to this Act.

(2) Every order made under the provisions of the last preceding subsection shall state the date from which the immunities and privileges thereby conferred shall take effect.

(3) Whenever any person ceases to be entitled to the immunities and privileges conferred by any order made under this Act the Minister shall cause a notice to that effect to be published in the Gazette.

(4) The Minister may at any time by notice in the Gazette add to, vary or delete the whole or any part of the Sixth Schedule to this Act with effect from the date specified in such notice.

(5) The fact that any person is or was entitled or not entitled to any of the immunities or privileges set out in the Seventh Schedule to this Act may be conclusively proved by producing the Gazette containing the relevant order or notice, whichever is the case.

8. 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 on suitors to that Court and their agents, counsel, and advocates, such privileges, immunities, and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

9. Where—

(a) a conference is held in Fiji and is attended by representatives of the Government of Fiji and the Government or Governments of one or more States 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 Fiji) and members of their official staffs are entitled to privileges and immunities,

the Minister may, by notice in the Gazette, direct that every representative of any such Government (other than the Government of Fiji) shall be accorded such of the privileges and immunities conferred by or by virtue of sections 3 and 4 of this Act on a diplomatic agent as the Minister specifies, and that such of the members of his official staff as the Minister may direct shall be accorded such of the privileges and immunities conferred by or by virtue of sections 3 and 4 of this Act on members of the diplomatic staff or the administrative and technical staff of a diplomatic mission as the Minister specifies.

10. Nothing in this Act shall be construed as precluding the Minister from declining to accord privileges or immunities to, or from withdrawing, modifying, or restricting privilege or immunities in relation to, nationals or representatives of any State, or the Government thereof, on the ground that that State, or the Government thereof, is failing to accord corresponding privileges or immunities to Fiji.

11.—(1) Notwithstanding anything to the contrary in any Act, the Minister, with the concurrence of the Minister responsible for finance, may from time to time wholly or partly exempt from any public or local tax, duty, rate, levy, or fee any of the following Governments or persons:—

(a) the Government of any State or the Government of any territory for whose international relations the Government of any such State is responsible;

(b) a representative or officer of the Government of any country other than Fiji or of any provisional Government, national committee, or other authority recognised by Her Majesty in right of Fiji, if he is temporarily resident in Fiji in accordance with any arrangement made with the Government of Fiji;

(c) a member of the official or domestic staff, or a spouse or dependent child, of any person to whom paragraph (b) of this subsection applies.

(2) Where a person who is a member of the official or domestic staff of a person to whom paragraph (b) of the last preceding subsection applies is a Fiji citizen and not a citizen of the country concerned, or is not resident in Fiji solely for the purpose of performing his duties as such a member, that person shall not, and the spouse and dependent children of that person shall not by reason only of their being a member of his family, be entitled to any exemption granted under the last preceding subsection.

12.—(1) The powers conferred on the Minister by sections 6, 7 and 11 of this Act shall be deemed to include power to exempt from stamp under the Stamp Duties Ordinance and from any fee or duty under any other Act any instrument or class of instruments to which any organisation, government, or person, as the case may be, to which or to whom the order or exemption applies is a party.

(2) The powers conferred on the Minister by the last preceding section shall be deemed to include power on the death of any person referred to in paragraph (b) or paragraph (c) of subsection (1) of the last preceding section—

(a) to exempt wholly or partly the estate of that person from estate duty under the Estate and Gift Duties Ordinance; and

(b) to exempt any instrument or document or class of instruments or documents made for or relating to the appointment of an executor or administrator in the estate of that person, or to the administration or distribution of the estate, from stamp duty under the Stamp Duties Ordinance and from any fee or duty under any other Act.

(3) Any exemption granted by the Minister under the last preceding section may be granted either unconditionally or subject to such conditions as the Minister thinks fit, and the Minister may at any time revoke any such exemption or revoke, vary, or add to any such conditions.

(4) Every exemption referred to in subsection (3) of this section shall come into force on such date as may be specified in that behalf by the Minister. The date so specified may be before or after the date of the granting of the exemption or before or after the commencement of this Act.

(5) Notwithstanding the provisions of any exemption referred to in subsection (3) of this section, any question arising as to the nature or extent of any such exemption, or to the governments or persons entitled to any such exemption, shall be referred to and be determined by the Minister. The decision of the Minister shall not be liable to be challenged, reviewed, quashed or called in question in any court.

13.—(1) The Minister responsible for finance may direct that such refunds or payments be made from any public fund or account or from the money of any local authority, public body, or person as may in the opinion of that Minister be necessary to give effect to any fiscal privilege accorded pursuant to section 3 of this Act or to any exemption granted under sections 6, 8, 9 or 10 of this Act.

(2) Where any loss is suffered by any local authority, public body, or person by reason of the conferring of any such privilege or the granting of any such exemption or by the making

of any refund or payment directed under this section, the Minister responsible for finance may direct that such payments be made from the Consolidated Fund to that local authority, public body, or person as may be necessary in the opinion of that Minister to reimburse that loss.

14. If in any proceedings any question arises whether or not any person or any organisation is or was at any time or in respect of any period accorded any privilege or immunity under or by virtue of this Act, a certificate issued by the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

15. This Act shall not affect any legal proceedings begun before the commencement of this Act.

16. The Minister may make regulations for such matters as are contemplated by or necessary for giving full effect to this Act and for the due administration thereof.

17. The Diplomatic Privileges Ordinance, the Commonwealth Countries and Republic of Ireland (Immunities and Privileges) Ordinance and the International Organisations (Immunities and Privileges of Certain Officers) Ordinance are hereby repealed.

First Schedule

VIENNA CONVENTIONS ON DIPLOMATIC RELATIONS

[Not reproduced]¹⁰

Second Schedule

PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANISATIONS

1. Immunity from suit and legal process.
 2. The like inviolability of official premises and archives as is accorded in respect of the official premises and archives of a diplomatic mission.
 3. Immunity in relation to its property and assets, wherever located and by whomsoever held, from search, requisition, confiscation, expropriation, or any other form of interference.
 4. The like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign State.
 5. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Fiji or for exportation, or on the importation of any publications of the organisation directly imported by it, subject to compliance with such conditions as the Minister responsible for finance may determine for the protection of the revenue.
 6. 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, subject to compliance with such conditions as the Minister responsible for finance may determine for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.
 7. 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 Fiji), of any reduced rates applicable for the corresponding service in the case of press telegrams.
-

¹⁰ See United Nations, *Treaty Series*, vol. 500, p. 95.

Third Schedule

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

1. The like immunity from suit and legal process as is accorded to a diplomatic agent.
 2. The like inviolability of residence, official premises, and official archives as is accorded to a diplomatic agent.
 3. The like exemption from taxes and rates as is accorded to a diplomatic agent.
-

Fourth Schedule

PRIVILEGES AND IMMUNITIES OF OTHER OFFICERS AND SERVANTS

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
 2. Exemption from taxes in respect of emoluments received as an officer or servant of the organisation.
 3. Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in Fiji, that exemption to be subject to compliance with such conditions as the Minister responsible for finance may determine for the protection of the revenue.
-

Fifth Schedule

PRIVILEGES AND IMMUNITIES OF OFFICIAL STAFFS AND OF HIGH OFFICERS' FAMILIES

1. Where any person is accorded any such immunities and privileges as are mentioned in the Third Schedule to this Act as the representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, the members of his official staff accompanying him as such a representative or member shall also be accorded those immunities and privileges to the same extent as the members of the staff of a mission are accorded the immunities and privileges accorded to a diplomatic agent.
 2. Where any person is accorded any such privileges and immunities as are mentioned in the Third Schedule to this Act as an officer of the organisation, the members of the family of that person who form part of his household shall also be accorded those privileges and immunities to the same extent as the members of the family of a diplomatic agent who form part of his household are accorded the privileges and immunities accorded to that diplomatic agent.
-

Sixth Schedule

INTERNATIONAL ORGANISATIONS

The United Nations.
The International Labour Organization.
The Food and Agriculture Organization of the United Nations.
The United Nations Educational, Scientific and Cultural Organization.
The International Civil Aviation Organization.
The World Health Organization.
The International Telecommunications Union.
The World Meteorological Organization.
The International Atomic Energy Agency.
The Universal Postal Union.

The United Nations Industrial Development Organization.
The United Nations Conference on Trade and Development.
The Inter-Governmental Maritime Consultative Organization.

Seventh Schedule

IMMUNITIES AND PRIVILEGES

1. Immunity from suit and legal process in respect of words spoken or written and all acts performed in his official capacity.
2. Exemption from taxation on all stipend, emoluments and allowances paid to him by the international organization.

Passed by the House of Representatives this 16th day of April, in the year of our Lord one thousand, nine hundred and seventy-one.

Passed by the Senate this 5th day of May, in the year of our Lord one thousand, nine hundred and seventy-one.

(b) DIPLOMATIC PRIVILEGES (INTERNATIONAL ORGANISATIONS) ORDER, 1971

In exercise of the powers conferred upon me by section 6 of the Diplomatic Privileges and Immunities Act, 1971, I hereby declare the organisations specified in the Schedule to this Order to be organisations of which two or more states or the Governments thereof are members and that such organisations shall have the privileges and immunities specified in the Second Schedule to that Act and shall also have the legal capacity of bodies corporate.

Made at Suva this 14th day of May, 1971.

K. K. T. MARA
Minister for Foreign Affairs,

Schedule

Commonwealth Secretariat
Food and Agriculture Organisation
International Atomic Energy Agency
International Civil Aviation Organisation
International Court of Justice
International Labour Organisation
International Telecommunication Union
South Pacific Commission
United Nations Organisation
United Nations Educational, Scientific and Cultural Organisation
Universal Postal Union
World Health Organisation
World Meteorological Organisation
United Nations Industrial Development Organisation
United Nations Conference on Trade and Development
Inter-Governmental Maritime Consultative Organisation
United Nations Office of Technical Co-operation
United Nations Development Programme

(c) **DIPLOMATIC PRIVILEGES (PERSONS APPOINTED TO
PUBLIC SERVICE OF FIJI) ORDER, 1971**

In exercise of the powers conferred upon me by subsection (1) of section 7 of the Diplomatic Privileges and Immunities Act, 1971, I hereby order that the privileges and immunities specified in the Seventh Schedule to that Act be conferred upon all persons whose services are provided for appointment to the public service of Fiji pursuant to an agreement between any of the international organisations specified in the Sixth Schedule to the Act and the Government of Fiji with effect from the commencement of the Act.

Made at Suva this 14th day of May, 1971.

K. K. T. MARA
Minister for Foreign Affairs

(d) **DIPLOMATIC PRIVILEGES (EMPLOYEES OF
INTERNATIONAL ORGANISATIONS) ORDER, 1971**

In exercise of the powers conferred upon me by subsection (2) of section 6 of the Diplomatic Privileges and Immunities Act, 1971, I hereby order—

(a) that the privileges and immunities specified in the Third Schedule to that Act be conferred upon—

Dr. J. H. Hirshman

being the Representative for the South Pacific Area for the World Health Organisation and declare that office to be a high office for the purpose of the Act;

(b) that the privileges and immunities specified in the Fourth Schedule to the Act be conferred upon all other persons employed in Fiji on behalf of any of the organisations specified in the Diplomatic Privileges (International Organisations) Order, 1971 other than Fiji citizens or persons permanently resident in Fiji.

Made at Suva this 14th day of May, 1971.

K. K. T. MARA
Minister for Foreign Affairs

(e) **DIPLOMATIC PRIVILEGES AND IMMUNITIES (AMENDMENT) ACT, 1971**

An Act¹¹ to amend the Diplomatic Privileges and Immunities Act, 1971

[17th December, 1971]

Enacted by the Parliament of Fiji—

1. This Act may be cited as the Diplomatic Privileges and Immunities (Amendment) Act, 1971.

2. The Diplomatic Privileges and Immunities Act, 1971, hereinafter called the principal Act, is amended by inserting the following section immediately after section 7:—

7A.—(1) Whenever the services of any person are provided by a State, an organisation, or by an agency, by whatever name called, sponsored by a State or organisation, for duties

¹¹ No. 52 of 1971. Assented to on 16 December 1971.

within Fiji approved by the Minister and such person is not entitled to immunities and privileges under the provisions of either section 6 or section 7 of this Act, the Minister may by order either—

(a) declare the members of any such organisation or agency specified in the order to be persons who shall be entitled to the immunities and privileges set out in the Eighth Schedule to this Act; or

(b) confer upon any such person such of the immunities and privileges set out in the Eighth Schedule to this Act as may be specified in the order.

(2) Every order made under the provisions of paragraph (b) of the last preceding subsection shall state the date from which immunities and privileges thereby conferred shall take effect.

(3) Whenever any person ceases to be entitled to the immunities and privileges conferred by any order made under the provisions of paragraph (b) of subsection (1) of this section, the Minister shall cause a notice to that effect to be published in the Gazette.

(4) The fact that any person is or was entitled or not entitled to any of the immunities or privileges set out in the Eighth Schedule to this Act may be conclusively proved by producing the Gazette containing the relevant order or notice, whichever is the case.”

3. The principal Act is amended by inserting the following Schedule immediately after the Seventh Schedule:—

“Eighth Schedule

“PRIVILEGES AND IMMUNITIES OF A PERSON REFERRED TO IN SECTION 7A AND HIS FAMILY

“1. Exemption from taxation on all stipends, emoluments and allowances paid to such person in connection with his duties in Fiji.

“2. Exemption from taxes on the importation of professional and technical equipment used by such person in connection with his duties in Fiji and on the importation of furniture and effects, including one motor vehicle, of such person and his family imported within three months from the time of first taking up post in Fiji, that exemption to be subject to compliance with such conditions as the Minister responsible for finance may determine for the protection of the revenue.”

Passed by the House of Representatives this sixth day of December, in the year of our Lord one thousand, nine hundred and seventy-one.

Passed by the Senate this fourteenth day of December, in the year of our Lord one thousand, nine hundred and seventy-one.