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UNITED NATIONS JURIDICAL YEARBOOK

1975

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

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



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Chapter I

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

1. Canada

PRIVILEGES AND IMMUNITIES (INTERNATIONAL ORGANIZATIONS) ACT

F.A.O. (N.A.F.C.—8TH SESSION) PRIVILEGES AND IMMUNITIES ORDER, 1975
P.C. 1975-2693 18 November, 1975

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, pursuant to section 3 of the Privileges and Immunities (International Organizations) Act,¹ is pleased hereby to make the annexed Order respecting the Privileges and Immunities in Canada of the Eighth Session of the North American Forestry Commission of the Food and Agriculture Organization of the United Nations.

ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES IN CANADA OF THE EIGHTH SESSION OF THE NORTH AMERICAN FORESTRY COMMISSION OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

[This Order is similar *mutatis mutandis* to the Order respecting the Privileges and Immunities in Canada of the International Atomic Energy Agency, reproduced on p. 3 of the *Juridical Yearbook*, 1973.]

2. Mauritius

ORDER² MADE BY THE MINISTER UNDER DECISION 19 OF THE INTERNATIONAL ORGANIZATIONS AND CONFERENCES (PRIVILEGES AND IMMUNITIES) ACT, 1970

1. This Order may be cited as the International Atomic Energy Agency (Privileges and Immunities) Order 1975.

2. In this Order:

¹ See United Nations Legislative Series, *Legislative Texts and treaty provisions concerning the legal status, privileges and immunities of international organizations* (ST/LEG/SER.B/10), p. 10; and *Juridical Yearbook*, 1965, p. 3.

² Government Notice No. 33 of 1975.

“Act” means the International Organizations and Conferences (Privileges and Immunities) Act, 1970;

“Agency” means the International Atomic Energy Agency;

“official”, in relation to the Agency, means an official whose name and description has, in accordance with Articles VI of the Agreement of the Privileges and Immunities of the Agency,³ been notified to the Minister.

3. Part V of the Act shall apply to the Agency.

4. (1) The Agency, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case, other than a measure of execution, it has expressly waived its immunity.

(2) The premises of the Agency shall be inviolable.

(3) The property and assets of the Agency, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

(4) The archives of the Agency, and in general all documents belonging to it or held by it, shall be inviolable, wherever located.

(5) Without being restricted by financial controls, regulations or moratoria of any kind but subject to subparagraph (6)—

(a) the Agency may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) the Agency may freely transfer its funds, gold or currency from Mauritius to another country or vice versa or within Mauritius and convert any currency held by it into any other currency.

(6) The Agency shall, in exercising its rights under subparagraph (5) pay due regard to any representations made to the Government of Mauritius in so far as it is considered that effect can be given to such representations without detriment to the interests of the Agency.

(7) The Agency, its assets, income and other property shall be—

(a) exempt from all direct taxes other than taxes which are charges for public utility services;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Agency for its official use, but articles imported under such exemption will not be sold in Mauritius except under conditions agreed to with the Government of Mauritius;

(c) exempt from duties and prohibitions and restrictions on imports and exports in respect of its publications.

5. The Agency shall enjoy for its official communications, treatment not less favourable than that accorded to any other Government in the matter of priorities, rates and taxes for posts and telecommunications and press rates for information to the press and radio.

6. (1) Every official of the Agency shall—

(a) be immune from legal process in respect of words spoken or written and all acts performed by him in his official capacity;

³ United Nations, *Treaty Series*, vol. 374, p. 147.

(b) enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to him by the Agency and on the same conditions as are enjoyed by officials of the United Nations;

(c) be immune, together with his spouse and relatives dependent on him, from immigration restrictions;

(d) be accorded the same privileges in respect of exchange facilities as are accorded to an official of comparable rank of a diplomatic mission;

(e) be given, together with his spouse and relatives dependent on him, the same repatriation facilities in time of international crises as an official of comparable rank of a diplomatic mission;

(f) have the right to import free of duty his furniture and effects at the time of first taking up his post in Mauritius.

(2) In addition to the privileges and immunities specified in subparagraph (1), the Director General of the Agency, including any official acting on his behalf during his absence from duty, shall be accorded on behalf of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys on behalf of themselves, their spouses and minor children, in accordance with international law. The same privileges and immunities, exemptions and facilities shall also be accorded to a Deputy Director General or official of equivalent rank of the Agency.

(3) The Agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Agency.

(4) The Agency shall co-operate at all times with the appropriate authorities of Mauritius to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this paragraph.

7. (1) Every expert other than an official serving on a committee of the Agency or performing a mission for the Agency shall, so far as is necessary for the effective exercise of his functions, be granted—

(a) immunity from personal arrest or detention and from seizure of his personal baggage;

(b) in respect of words spoken or written or acts done by him in the performance of his official functions, immunity from legal process of every kind;

(c) inviolability for all papers and documents;

(d) for the purposes of his communications with the Agency, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) the same facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign Government on temporary official mission;

(f) the same immunities and facilities in respect of his personal baggage as are accorded to members of comparable rank of diplomatic missions.

(2) The Agency shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice and can be waived without prejudice to the interests of the Agency.

8. (1) Every official of the Agency shall be entitled to use the United Nations laissez-passers in conformity with administrative arrangements concluded between the Director General of the Agency and the Secretary-General of the United Nations.

The Director General of the Agency shall notify the Minister of the administrative arrangements so concluded.

(2) Every application for a visa, where required from an official of the Agency holding a United Nations laissez-passer, when accompanied by a certificate that he is travelling on the business of the Agency shall be dealt with as speedily as possible and that person shall be granted facilities for speedy travel.

(3) The facilities specified in subparagraph (2) shall be accorded to every expert and other person who, though not a holder of a United Nations laissez-passer, has a certificate that he is traveling on the business of the Agency.

(4) The Director General, the Deputy-Directors General and other officials of a rank not lower than head of division of the Agency, travelling on United Nations laissez-passer on the business of the Agency, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

Made by the Minister on 17 March 1975.

3. Papua New Guinea

UNITED NATIONS AND SPECIALIZED AGENCIES (PRIVILEGES AND IMMUNITIES) ACT 1975⁴

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

MADE by the House of Assembly to come into operation on a date to be fixed by the High Commissioner by notice published in the *Government Gazette*.

PART I. PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

1. DEFINITION

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

2. UNITED NATIONS TO BE A CORPORATION, ETC.

(1) The United Nations—

(a) is a corporation with perpetual succession; and

(b) has the capacity to contract; and

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

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

⁴No. 66 of 1975.

3. PRIVILEGES AND IMMUNITIES

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

4. EVIDENCE

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

- (a) a specified country was a Member of the United Nations; or
 - (b) a specified body was a principal or subsidiary organ of the United Nations;
- or
- (c) a specified conference was a conference convened by the United Nations;
- or
- (d) a specified person was—
 - (i) a representative of a Member of the United Nations to an organ of the United Nations or a conference convened by the United Nations; or
 - (ii) included in a category of officials of the United Nations to which the provisions of Articles V and VII of the Convention applied; or
 - (iii) an expert (other than an official coming within the scope of Article V of the Convention) performing a mission for the United Nations,

is evidence of the matter so certified.

PART II. PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

5. DEFINITIONS

In this Part, unless the contrary intention appears —

“Specialized Agency” means—

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

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

6. JURIDICAL PERSONALITY OF SPECIALIZED AGENCIES

(1) Each Specialized Agency—

(a) is a corporation with perpetual succession; and

(b) has the capacity to contract; and

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

(2) All courts, judges and persons acting judicially in Papua New Guinea shall take judicial notice of the seal of a Specialized Agency affixed to a document and shall presume that it was duly affixed.

7. PRIVILEGES AND IMMUNITIES

(1) Each Specialized Agency and each person in relation to whom the Convention applies has, in Papua New Guinea, the privileges and immunities applicable under the Convention (other than those referred to in Section 11 of the Convention) to that Specialized Agency or that person, as the case may be.

(2) A Specialized Agency has the right to avail itself, for telegraphic communications sent by it and containing only matters for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Papua New Guinea), or the reduced rates applicable for the despatch of press telegrams.

8. EVIDENCE

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

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

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

(c) a specified person was—

(i) a representative of a Member of a Specialized Agency at a meeting referred to in paragraph (b); or

(ii) included in a category of officials of a Specialized Agency to which the provisions of Articles VI and VIII of the Convention applied; or

(iii) on the grounds stated in the certificate, a person entitled under the Convention to privileges and immunities applicable under the Convention,

is evidence of the matter so certified.

PART III. MISCELLANEOUS

9. PROTECTION OF NAMES, ETC.

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

(a) use the name or an abbreviation of the United Nations or a Specialized Agency in connexion with a trade, business, profession, calling or occupation; or

(b) use—

(i) a seal, emblem or device that is identical with the official seal or emblem of the United Nations or a Specialized Agency; or

- (ii) a seal, emblem or device so nearly resembling the official seal or emblem of the United Nations or a Specialized Agency as to be capable of being mistaken for that seal or emblem; or
- (iii) a seal, emblem or device that is capable of being taken to be the official seal or emblem of the United Nations or a Specialized Agency.

Penalty: K100.00.

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

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

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

(d) if the association is a corporation—the association; or

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

Penalty: K100.00.

(3) A person shall not be convicted of an offence against this section in respect of the use of an abbreviation of the name of the United Nations or a Specialized Agency if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connexion with the organization, unless the prosecution proves that the use was intended to imply such a connexion.

(4) The conviction of a person of an offence under this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the first-mentioned conviction.

(5) For the purposes of this section—

(a) any combination of words or letters, or of both words and letters, that is capable of being understood as referring to the United Nations or a Specialized Agency shall be deemed to be an abbreviation of the name of the United Nations or that Specialized Agency, as the case may be; and

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

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

10. REGULATIONS

The High Commissioner in Council may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

SCHEDULE 1

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

[*Not reproduced*]⁵

SCHEDULE 2

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

[*Not reproduced*]⁶

⁵ United Nations, *Treaty Series*, vol. 1, p. 15.

⁶ *Ibid.*, vol. 33, p. 261.