

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1980

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. Australia**

**DIPLOMATIC PRIVILEGES AND IMMUNITIES AMENDMENT ACT 1980<sup>1\*</sup>**

AN ACT TO AMEND THE DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT 1967<sup>2</sup>

Be it enacted by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

*Short title, &c.*

1. (1) This Act may be cited as the *Diplomatic Privileges and Immunities Amendment Act 1980*.
- (2) The *Diplomatic Privileges and Immunities Act 1967* is in this Act referred to as the Principal Act.

*Commencement*

2. This Act shall come into operation on the day on which it receives the Royal Assent.
3. After section 5 of the Principal Act the following section is inserted:

*Application of Act in relation to certain international organizations*

“5A. (1) In this section, ‘international organization’ means —

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

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

“(c) an organization established, or a group of organizations constituted, by —

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

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

being an organization or a group of organizations that is declared by the regulations to be an international organization for the purposes of this section.

“(2) This Act applies in relation to an international organization as if —

“(a) each reference in a provision of this Act other than section 12 to an overseas country, and each reference in the Convention to a sending State, included a reference to the international organization;

“(b) each reference in the Convention to the Government of a sending State included a reference to the international organization or, if an organ of the international organization is, for the time being, specified by the regulations in relation to the international organization for the purposes of this paragraph, that organ;

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\*The notes to each chapter are to be found at the end of that particular chapter.

“(c) any mission or other agency of the international organization that exercises functions substantially corresponding to functions exercised by a diplomatic mission were a diplomatic mission; and

“(d) in subsection 12 (1) —

“(i) ‘a mission of Australia to an international organization (as defined by subsection 5A (1)), being a mission that exercises functions substantially corresponding to functions exercised by a diplomatic mission’ were substituted for ‘a mission of Australia in an overseas country’; and

“(ii) ‘the mission in Australia of that international organization’ were substituted for ‘the mission of that country’.”

*Formal amendments*

4. The Principal Act is amended as set out in the Schedule.

**SCHEDULE**

**Formal amendments**

<i>Provision amended</i>	<i>Omit</i>	<i>Substitute</i>
Subsection 4 (1) (definition of “Australian citizen”)	1948–1973	1948
Subsection 4 (1) (definition of “the Convention”)	Schedule to this Act	Schedule
Paragraph 7 (2) (f)	to the next succeeding subsection, to the next succeeding section	to subsection (3), to section 8
Paragraph 7 (2) (g)	section 11 of this Act	section 11
Subsection 7 (3)	in subsection (1) of this section of subsection (1) of this section	in subsection (1) of subsection (1)
Subsection 7 (4)	<i>Income Tax Assessment Act 1936–1967</i> and of the <i>Income Tax Ordinance 1959</i> of the Territory of Papua and New Guinea commences on the first day of July, One thousand nine hundred and sixty-seven	<i>Income Tax Assessment Act 1936</i>  commenced on 1 July 1967
Subsection 7 (5)	1903–1966	1903
Subsection 8 (1)	the last preceding section	section 7
Subsection 8 (2)	1901–1966	1901
Subsection 8 (3)	two years 1901–1966	2 years 1901
Subsection 9 (1)	1921–1967	1921
Paragraph 9 (1) (c)	the last preceding paragraph	paragraph (b)
Subsection 9 (2)	The last preceding subsection	Subsection (1)
Subsection 9 (3)	Subsection (1) of this section	Subsection (1)
Paragraph 9 (3) (a)	two years	2 years
Subsection 10 (1)	the <i>Sales Tax Act (No. 1) 1930–1964</i> , the <i>Sales Tax Act (No. 2) 1930–1964</i> or the <i>Sales Tax Act (No. 3) 1930–1964</i>  the last preceding section 1921–1967	the <i>Sales Tax Act (No. 1) 1930</i> , the <i>Sales Tax Act (No. 2) 1930</i> or the <i>Sales Tax Act (No. 3) 1930</i>  section 9 1921

<i>Provision amended</i>	<i>Omit</i>	<i>Substitute</i>
Subsection 10 (2) . . . . .	The last preceding subsection subsection (1) of the last preceding section	Subsection (1) subsection 9 (1)
Subsection 10 (3) . . . . .	Subsection (1) of this section	Subsection (1)
Paragraph 10 (3) (a) . . . . .	two years	2 years

## 2. Barbados

### NOTE DATED 26 MAY 1981 FROM THE CHARGE D'AFFAIRES A.I. OF BARBADOS TO THE UNITED NATIONS

The Chargé d'Affaires a.i. of Barbados to the United Nations . . . has the honour to report the following:

In 1980 the Legislature of Barbados passed two statutes granting privileges and immunities to the International Finance Corporation.

(a) The Income Tax Act, Cap. 73 amended by the Income Tax (amendment) Act of 1978 was further amended by the Income Tax (amendment) Act, 1980 (Act 1980-12). The relevant part now reads in section 9(1):

“In calculating the assessable income of a person for an income year, the following amount shall not be included, namely —

“. . .

“(t) amounts paid in an income year by such international organizations as the Minister by order prescribes, that relate and are equal to the tax liability of its employees for that year;”

while the same amendment provides that “employee” means a person employed in Barbados.

(b) The International Finance Corporation Act, 1980 (Act 1980-11) in section 5 provides that “sections 2 to 9 of article VI of the Agreement have the force of law in Barbados”. These sections read as follows:

“Section 2 — Status of Corporation

“The Corporation shall possess full juridical personality and, in particular, the capacity:

“(i) to contract;

“(ii) to acquire and dispose of immovable and movable property;

“(iii) to institute legal proceedings.

“Section 3 — Position of the Corporation with regard to Judicial Process

“Action may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgement against the Corporation.

“Section 4 — Immunity of Assets from Seizure

“Property and assets of the Corporation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

“Section 5 — Immunity of Archives

“The archives of the Corporation shall be inviolable.

“Section 6 — Freedom of Assets from Restrictions

“To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of article III section 5, and other provisions of this Agreement, all property and assets of the Corporation shall be free from restrictions, regulations, controls and moratoria of any nature.

“Section 7 — Privileges for Communications

“The official communications of the Corporation shall be accorded by each member the same treatment that it accords to official communications of other members.

“Section 8 — Immunities and Privileges, Alternates, Officers and Employees

“All Governors, Directors, Alternates, Officers and Employees of the Corporation:

- “(i) shall be immune from legal process with respect to acts performed by them in their official capacity;
- “(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials and employees of comparable rank of other members;
- “(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

“Section 9 — Immunities from Taxation

“(a) The Corporation, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.

“(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, Officials or Employees of the Corporation who are not local citizens, local subjects or other local nationals.

“(c) No taxation of any kind shall be levied on any obligation or other security issued by the Corporation (including any dividend or interest thereon) by whomsoever held:

- “(i) which discriminates against such obligation or security solely because it is issued by the Corporation; or
- “(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

“(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held;

- “(i) which discriminates against such obligation or security solely because it is guaranteed by the Corporation; or
- “(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.”

### 3. Federal Republic of Germany

#### ACT OF 16 AUGUST 1983<sup>3</sup> CONCERNING THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS OF 13 FEBRUARY 1946<sup>4</sup>

The Federal Parliament (*Bundestag*), with the assent of the Federal Council (*Bundesrat*), adopted the following Act:

##### *Article 1*

The accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946, is hereby approved.

##### *Article 2*

The privileges and immunities referred to in section 19 of the Convention shall also be accorded to the representative of the United Nations High Commissioner for Refugees in Germany, his permanent representative and their spouses and minor children.

##### *Article 3*

(1) The Federal Government shall be empowered to accord diplomatic privileges and immunities by ordinance, with the assent of the Federal Council (*Bundesrat*), to the United Nations, to representatives of its Members, to officials of the United Nations, to members of the family of the aforementioned persons and personal servants forming part of their household and to experts on missions for the United Nations, in so far as such privileges and immunities are not provided for in the Convention.

(2) Participants in conferences, seminars or similar meetings sponsored by the United Nations, the specialized agencies of the United Nations and organizations established by international agreements under the auspices of the United Nations, held in the territory to which this Act applies and expressly consented to by the Federal Government, shall be accorded the privileges and immunities provided for in article VI of the Convention, in so far as they are not already entitled thereto under the provisions relating to the privileges of the sponsoring organization. The sponsoring organization shall be competent to waive immunity in accordance with article VI, section 23.

(3) Paragraph 2 shall apply to Germans within the meaning of the Basic Law who are in possession of a valid passport or identity card issued by a German authority in the territory to which this Act applies or by a foreign mission of the Federal Republic of Germany only in respect of the privileges and immunities specified in article VI, section 22 (b), (c) and (d). Immunity from legal process under article VI, section 22 (b), shall not apply in case of an offence against the road traffic laws and regulations by a participant if damage is caused by a motor vehicle belonging to or driven by a participant. The preceding two sentences shall also apply to participants who are permanently resident in the territory to which this Act applies.

##### *Article 4*

(1) Article 3 of the Act of 22 June 1954<sup>5</sup> 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<sup>6</sup> and the granting of privileges and immunities to other international organizations (BGB1. 1954 II, p. 639), as amended by Act of 28 February 1964 (BGB1. II, p. 187,<sup>7</sup> shall be amended to read as follows:

##### *“Article 3*

“The Federal Government shall be empowered to issue, with the assent of the Federal Council (*Bundesrat*) in so far as this is necessary in the interests of international relations, ordinances concerning:

“1. The application of the Convention to:

“(a) The specialized agencies of the United Nations;

“(b) Organizations established by international agreements other than specialized agencies of the United Nations;

“(c) Organizations of other States;

“2. The granting of diplomatic privileges and immunities to:

“(a) The organizations specified in subparagraph 1;

“(b) Officials of such organizations and members of their family and personal servants forming part of the household of such officials;

“(c) Representatives of the members of such organizations and members of their family and personal servants forming part of the household of such representatives;

“(d) Experts on missions for such organizations.”

(2) The Ordinance of 16 June 1970 concerning the granting of privileges and immunities to the United Nations (BGBI. 1970 II, p. 669) shall cease to have effect.

#### Article 5

This Act shall also apply to *Land* Berlin, provided that *Land* Berlin declares it to be applicable thereto. Ordinances issued pursuant to this Act shall apply in *Land* Berlin in accordance with article 14 of the Third Transition Act.

#### Article 6

(1) This Act, with the exception of article 4, paragraph 2, shall enter into force on the day following the date of its publication. Article 4, paragraph 2, shall enter into force on the date on which the Convention enters into force for the Federal Republic of Germany.

(2) The date on which the Convention enters into force for the Federal Republic of Germany in accordance with section 32 of the Convention shall be notified in the *Bundesgesetzblatt*.

The above Act is hereby certified and shall be published in the *Bundesgesetzblatt*.

Bonn, 16 August 1980

CARSTENS  
*Federal President*

GENSCHER  
*Deputy Federal Chancellor*

GENSCHER  
*Federal Minister for Foreign Affairs*

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## 4. Seychelles

### PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR AND INTERNATIONAL ORGANIZATIONS) ACT 1980<sup>8</sup>

An act to confer certain privileges and immunities on members of foreign Diplomatic Services, foreign Consular Services and on the United Nations and the Specialized Agencies and Special Missions by giving the force of law in Seychelles to certain articles of the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on Special Missions and for other purposes precedent thereto and connected therewith

Enacted by the President and the People's Assembly —

#### PART I — PRELIMINARY

1. This Act may be cited as the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act 1980.



2. In this Act, unless the context otherwise requires —

“Convention on the Privileges and Immunities of the Specialized Agencies” means the Convention on the Privileges and Immunities of the Specialized Agencies approved by the General Assembly of the United Nations on 21st November, 1947;<sup>9</sup>

“Convention on Special Missions” means the Convention on Special Missions signed at New York on 16th December, 1969;<sup>10</sup>

“General Convention” means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13th February, 1946;<sup>11</sup>

“Vienna Convention on Consular Relations” means the Vienna Convention on Consular Relations signed at Vienna on 24th April, 1963;<sup>12</sup>

“Vienna Convention on Diplomatic Relations” means the Vienna Convention on Diplomatic Relations signed at Vienna on 18th April, 1961.<sup>13</sup>

## PART II — DIPLOMATIC PRIVILEGES AND IMMUNITIES

3. (1) Subject to section 4, the Articles set out in the First Schedule (being Articles of the Vienna Convention on Diplomatic Relations) shall have the force of law in Seychelles and shall for that purpose be construed in accordance with the following provisions of this section.

(2) In the Articles referred to in subsection (1) —

“Agents of the receiving State” shall be construed as including any police officer and any person exercising a power of entry to any premises under any law in force in Seychelles;

“Member of the family” shall be construed as meaning, in relation to any person, the spouse or any dependent relative of that person;

“Ministry of Foreign Affairs or such other Ministry as may be agreed” shall be construed as meaning the Ministry for the time being responsible for Foreign Affairs of the Government of Seychelles;

“Mission” shall be construed as meaning any Embassy or High Commission;

“National of the receiving State” shall be construed as meaning any citizen of Seychelles.

(3) For the purpose of Article 32 a waiver by the head of the mission of any State or any person performing his functions shall be deemed to be a waiver by that State.

(4) The exemption granted by Article 33 with respect to any services shall be deemed to except those services from any class of employment that is insurable employment, or in respect of which contributions are required to be paid, under the Social Security Decree, 1979.

(5) Articles 35, 36 and 40 shall be construed as granting any privilege or immunity which they require to be granted.

(6) The references in Articles 37 and 38, to the extent to which any privileges and immunities are admitted by the receiving State and to additional privileges and immunities that may be granted by the receiving State, shall be construed as referring respectively to the extent to which any privileges and immunities that the Minister may specify by order and to any privileges and immunities that may be so specified.

4. (1) If it appears to the Minister that the privileges and immunities accorded to a mission of Seychelles in the territory of any State or to the persons connected with that mission are less than those conferred by this Act on the mission of that State or on persons connected with that mission, the Minister may, by order, withdraw such of the privileges and immunities so conferred from the mission of that State or from the persons connected with it as appears to the Minister to be proper.

(2) When any privileges and immunities are withdrawn from a State by the Minister under subsection (1), the Minister may reinstate the privileges to that State at any time if it appears to him to be proper to do so.

5. (1) The Minister may, by order, confer immunities or privileges other than those conferred by or under this Part in respect of any sovereign power or any class of persons employed by such power if in the opinion of the Minister such immunities or privileges are necessary to accord with corresponding immunities and privileges granted by such power in respect of Seychelles.

(2) Where any agreement between Seychelles and another State provides for according to a sovereign power or any class of persons employed by such power some but not all of the privileges and immunities accorded to them by or under this Part, the Minister may, by order, provide for excluding, with respect to such power and any class of persons employed by such power, any of those privileges and immunities that are not provided by the agreement.

## PART II — CONSULAR PRIVILEGES AND IMMUNITIES

6. (1) Subject to section 7, the provisions set out in the Second Schedule (being Articles or parts of Articles of the Vienna Convention on Consular Relations) shall have the force of law in Seychelles and shall for that purpose be construed in accordance with subsections (2) to (10).

(2) In the provisions mentioned in subsection (1) —

“Authorities of the receiving State” shall be construed as including any police officer and any person exercising a power of entry to any premises under any law in force in Seychelles;

“Diplomatic mission” shall be construed as meaning any Embassy or High Commission;

“Grave crime” shall be construed as meaning any offence punishable (on a first conviction) with imprisonment for a term that may extend to five years or with a more severe sentence;

“Member of the family” shall be construed as meaning, in relation to any person, the spouse or any dependent relative of that person;

“Ministry of Foreign Affairs” shall be construed as meaning the Ministry for the time being responsible for Foreign Affairs of the Government of Seychelles;

“National of the receiving State” shall be construed as meaning any citizen of Seychelles.

(3) The references in Article 17(2) to any privileges and immunities accorded by customary international law or by international agreements shall be construed as a reference to any privileges and immunities conferred under Parts IV, V and VI.

(4) The references in Article 44 to matters connected with the exercise of the functions of members of a consular post shall be construed as references to matters connected with the exercise of consular functions by consular officers or consular employees.

(5) For the purposes of Article 45 and that Article as applied by Article 58 a waiver shall be deemed to have been expressed by a State if it has been expressed by the head or any person for the time being performing the functions of the head of the diplomatic mission of that State or, if there is no such mission, of the consular post concerned.

(6) The exemption granted by Article 48 with respect to any services shall be deemed to except those services from any class of employment that is insurable, or in respect of which contributions are required to be paid, under the Social Security Decree, 1979.

(7) Articles 50, 51, 52, 54, 62 and 67 shall be construed as granting any privileges or immunity that they require to be granted.

(8) The reference in Article 57 to the privileges and immunities provided in Chapter II shall be construed as referring to those provided in Section II of that Chapter.

(9) The references in Article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of Part II.

(10) The reference in Article 71 to additional privileges and immunities that may be granted by the receiving State or to privileges and immunities so far as these are granted by the receiving State shall be construed as referring to such privileges and immunities as may be specified by the Minister by order.

7. Sections 4 and 5, as they apply to a mission and to persons connected therewith, apply “mutatis mutandis” in relation to a consular post and the persons connected therewith.

8. (1) A diplomatic agent or consular officer of any State may, if authorized to do so under the laws of that State, administer oaths, affidavits and do notarial acts —

(a) required by a person for use in that State or under the laws thereof; or

(b) otherwise required by a national of that State but not for use in Seychelles except under the laws of some other country.

(2) The Minister may, by order, exclude or restrict the provisions of subsection (1) in relation to the diplomatic agents or consular officers of any State if it appears to him that in any territory of that State diplomatic agents or consular officers of Seychelles are not permitted to perform functions corresponding in nature and extent to those authorized by that subsection.

(3) In this section “diplomatic agent” has the same meaning as in Article 1 in the First Schedule.

9. If consular officers are appointed by the Government of any other country within the Commonwealth or of the Republic of Ireland to serve in Seychelles, the Minister may, by order, make such adaptations of any provision, of the applied Acts entitled the Merchant Shipping Acts, 1894 to 1965, in so far as it forms part of the law of Seychelles referring to a consular officer of a foreign state as appear to him to be necessary or expedient to make the provision applicable to consular officers appointed as aforesaid and to dispense with any requirement as to the conclusion of a consular convention.

#### PART IV — PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS, AND OF JUDGES OF, AND SUITORS TO, THE INTERNATIONAL COURT OF JUSTICE

10. (1) The Articles set out in the Third Schedule (being Articles of the General Convention) shall have the force of law in Seychelles and shall be construed in accordance with the following provisions of this section.

(2) In the Articles referred to in subsection (1) —

(a) the reference in Article 1 to the effect that the United Nations shall possess juridical personality shall be construed as meaning that the United Nations is a body corporate;

(b) the term “a national” in relation to Seychelles shall be construed as meaning a citizen of Seychelles.

11. The Minister may, by order, confer to the judges and registrars of the International Court of Justice established under the Charter of the United Nations and on suitors to that Court 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.

#### PART V — PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

12. (1) The Articles set out in the Fourth Schedule (being Articles of the Convention on the Privileges and Immunities of the Specialized Agencies) shall have the force of law in Seychelles and shall be construed in accordance with the following provisions of this section.

(2) In the Articles referred to in subsection (1) —

(a) the reference in section 3 of Article II to the effect that the Specialized Agencies shall possess juridical personality shall be construed as meaning that the Specialized Agencies are bodies corporate;

(b) the term “a national” in relation to Seychelles shall be construed as meaning a citizen of Seychelles.

#### PART VI — PRIVILEGES AND IMMUNITIES OF SPECIFIED ORGANIZATIONS AND OF REPRESENTATIVES ATTENDING INTERNATIONAL CONFERENCES

13. (1) This section applies to any organization declared by the Minister, by order, to be an organization of which —

(a) Seychelles or the Government of Seychelles, and

(b) one or more other sovereign powers, or the government or governments of one or more such powers,

are members.

(2) Subject to subsection (7), the Minister may, by order, specify an organization to which this section applies and may make any one or more of the following provisions in respect of the organization so specified (hereinafter in this section referred to as "the organization"), that is to say —

(a) confer on the organization the legal capacities of a body corporate;

(b) provide that the organization shall, to such extent as may be specified in the order, have the privileges and immunities set out in Part I of the Fifth Schedule;

(c) confer the privileges and immunities set out in Part II of the Fifth Schedule to such extent as may be specified in the order, on persons of any such class as is mentioned in subsection (3);

(d) confer the privileges and immunities set out in Part III of the Fifth Schedule, to such extent as may be specified in the order, on such classes of officers and servants of the organization (not being classes mentioned in subsection (3)) as may be specified.

(3) The classes of persons referred to in subsection (2) (c) are —

(a) persons who (whether they represent Governments or not) are representatives to the organization or representatives on, or members of, any organ or committee of the organization;

(b) such number of officers of the organization as may be specified in the order, being the holders (whether permanent or otherwise) of such high offices in the organization as may be so specified; and

(c) persons employed by or serving under the organization as experts or as persons engaged on missions for the organizations.

(4) Where an order is made under subsection (2), the provisions of Part IV of the Fifth Schedule shall have effect for the purpose of extending to the staffs or representatives mentioned in subsection (3) (a) and to the families of officers of the organization any immunities and privileges conferred on the representatives or officers mentioned in subsection (3), except in so far as the operation of the provisions of Part IV is excluded by the order conferring the immunities and privileges.

(5) Where an order is made under subsection (2), then for the purpose of giving effect to any agreement made in that behalf between Seychelles or the Government of Seychelles and the organization, the Minister may, by the same or any subsequent order, confer the exemptions set out in subsection (6) in respect of —

(a) members of the staff of the organization recognized by the Government of Seychelles as holding a rank equivalent to that of a diplomatic agent; and

(b) members of the family of any such member of the staff of the organization who form part of his household.

(6) In the event of the death of the person in respect of whom the exemptions under subsection (5) are conferred, exemptions from —

(a) estate duty leviable on his death under any law for the time being in force in Seychelles in respect of movable property that is in Seychelles immediately before his death and the presence of which in Seychelles that time is due solely to his presence there in the capacity by reference to which the exemptions are conferred;

(b) capital gains tax on net chargeable gains in relation to any such movable property accruing to that person in the year of assessment in which he died.

(7) An order made under subsection (2) or (3) shall be so framed as to secure —

(a) that the privileges and immunities conferred by the order are not greater in extent than those which, at the time when the order takes effect, are required to be conferred in accordance with any agreement to which Seychelles or the Government is then a party (whether made with one or more other sovereign powers or Governments or made with one or more organizations such as are mentioned in subsection (1)); and

(b) that no privilege or immunity is conferred on any person as the representative of Seychelles or of the Government of Seychelles, or as a member of the staff of such a representative.

14. (1) Where a conference is held in Seychelles and is attended by representatives of the Governments of one or more sovereign powers, and it appears to the Minister that doubts may arise as to the extent to which the representative of those governments (other than the Government of Seychelles) and members of their official staffs are entitled to immunities and privileges, the Minister may, by notice published in the *Gazette*, direct that every representative of any such Government (other than the Government of Seychelles) shall for the purpose of any enactment 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 purposes of subsection (1), the Minister may compile a list of the representatives of the governments aforesaid (other than the Government of Seychelles) and members of their official staffs as he thinks proper, and shall cause the list and any amendment of that list to be published in the *Gazette* and the publication shall include a statement of the day from which the list or amendment, as the case may be, takes or took effect.

(3) In subsection (1) —

“Head of mission” means an Ambassador, High Commissioner or other person, by whatever title called, accredited by a sovereign power and recognized as a head of mission in Seychelles by the Government of Seychelles.

#### PART VII — PRIVILEGES AND IMMUNITIES OF SPECIAL MISSIONS

15. (1) The Articles set out in the Sixth Schedule (being Articles of the Convention on Special Missions) shall have the force of law in Seychelles and shall be construed in accordance with the following provisions of this section.

(2) In the provisions mentioned in subsection (1) —

“Agents of the receiving State” shall be construed as meaning any police officer and any person concerning a power of entry to any premises under any law in force in Seychelles;

“Member of the family” shall be construed as meaning, in relation to any person, the spouse or any dependent relative of that person;

“Ministry of Foreign Affairs” shall be construed as meaning the Ministry, for the time being, responsible for Foreign Affairs of the Government of Seychelles;

“National of the receiving State” shall be construed as meaning any citizen of Seychelles.

(3) For the purposes of Article 41, a waiver by the head of the special mission or any person performing his functions shall be deemed to be a waiver by the sending State.

#### PART VIII — GENERAL

16. If in any proceedings a question arises whether or not a person is entitled to a privilege or immunity under this Act, a certificate issued by or under the authority of the Minister stating any fact relating to that question shall be conclusive evidence of that fact.

17. The Minister may make regulations for carrying into effect the purposes of this Act.

18. The Diplomatic Privileges Act is repealed.

## **FIRST SCHEDULE**

(Section 3)

### **ARTICLES OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS HAVING THE FORCE OF LAW IN SEYCHELLES**

(Articles 1, 22-24 and 27-40)  
[Not reproduced]

## **SECOND SCHEDULE**

(Section 6)

### **ARTICLES OF THE VIENNA CONVENTION ON CONSULAR RELATIONS HAVING THE FORCE OF LAW IN SEYCHELLES**

(Articles 1, 5, 15, 17, 31-33, 35, 39, 41, 43-45, 48-55, 57-62, 66, 67, 70 and 71)  
[Not reproduced]

## **THIRD SCHEDULE**

(Section 10)

### **ARTICLES OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS HAVING THE FORCE OF LAW IN SEYCHELLES**

(Articles I, II, IV, V and VII)  
[Not reproduced]

## **FOURTH SCHEDULE**

(Section 11)

### **ARTICLES OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES HAVING THE FORCE OF LAW IN SEYCHELLES**

(Articles I-III and V-VIII)  
[Not reproduced]

## **FIFTH SCHEDULE**

(Section 3)

### **PART I**

#### **PRIVILEGES AND IMMUNITIES OF AN ORGANIZATION**

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 an envoy of a foreign sovereign Power.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the organization for its official use in Seychelles or for exportation, or on the importation of any publications of the organization directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise 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 organization for its official use and in the case of any publications of the organization 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 dispatched from places outside Seychelles), of any reduced rates applicable for the corresponding service in the case of press telegrams.

#### PART II

##### 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 an envoy of a foreign sovereign Power.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption of relief from taxes as is accorded to such an envoy.

#### PART III

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

#### PART IV

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

1. Where any person is entitled to any such privileges and immunities as are mentioned in Part II of this Schedule as a representative to the organization or as a representative on, or member of, any organ of the organization or a member of any committee of the organization or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those privileges and immunities to the same extent as the retinue of an envoy of a foreign sovereign Power.

2. Where any person is entitled to any such privileges and immunities as are mentioned in Part II of this Schedule as an office of the organization, the members of that person's family forming part of his household shall also be entitled to those privileges and immunities to the same extent as the wife or husband or children of an envoy of a foreign sovereign Power accredited to Seychelles is entitled to the privileges and immunities accorded to the envoy.

#### SIXTH SCHEDULE

(Section 15)

##### CONVENTION ON SPECIAL MISSIONS

(Articles 1, 24-26 and 28-44)

[Not reproduced]

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#### 5. Sweden

##### NOTE DATED 22 APRIL 1981 FROM THE ACTING PERMANENT REPRESENTATIVE OF SWEDEN TO THE UNITED NATIONS

The Acting Permanent Representative of Sweden to the United Nations . . . has the honour to communicate the following:

When it approved the Constitution of the United Nations Industrial Development Organization (UNIDO) the Swedish Parliament decided in 1980 to amend the Act on Immunities and Privileges

in Certain Cases.<sup>14</sup> The amendment means that the UNIDO will enjoy privileges and immunities according to its Constitution as from the date on which that Constitution enters into force for Sweden.

...

#### Notes

- <sup>1</sup> No. 41 of 1980. Assented to on 23 May 1980.
- <sup>2</sup> For previous amendments see No. 69, 1972; No. 216, 1973; Nos. 37 and 91, 1976; and No. 155, 1979.
- <sup>3</sup> Translation by the Secretariat of the United Nations.
- <sup>4</sup> United Nations, *Treaty Series*, vol. 1, p. 15.
- <sup>5</sup> 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. 25.
- <sup>6</sup> United Nations, *Treaty Series*, vol. 33, p. 261.
- <sup>7</sup> Reproduced in the *Juridical Yearbook*, 1964, p. 4.
- <sup>8</sup> No. 9 of 1980. Assented to on 30 January 1980. Published in the *Supplement to Official Gazette*, 31 January 1980.
- <sup>9</sup> United Nations, *Treaty Series*, vol. 33, p. 261.
- <sup>10</sup> See General Assembly resolution 2530 (XXIV), annex. Also reproduced in the *Juridical Yearbook*, 1969, p. 125.
- <sup>11</sup> United Nations, *Treaty Series*, vol. 1, p. 15.
- <sup>12</sup> United Nations, *Treaty Series*, vol. 596, p. 261. Also reproduced in the *Juridical Yearbook*, 1963, p. 109.
- <sup>13</sup> United Nations, *Treaty Series*, vol. 500, p. 95.
- <sup>14</sup> Reproduced in the *Juridical Yearbook*, 1976, p. 5.