

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1983

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	xvii
ABBREVIATIONS	xviii

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>Botswana</i>	
Diplomatic Immunities and Privileges Act	
(a) Diplomatic Immunities and Privileges (Conferment of Personal Immunities and Privileges) Order, 1983	3
(b) Diplomatic Immunities and Privileges (Conferment of Immunities and Privileges on Certain Organizations) Order, 1983	4
2. <i>Cameroon</i>	
Note dated 15 June 1984 from the Permanent Mission of Cameroon to the United Nations	5
3. <i>Ireland</i>	
International Jute Organisation (Designation) Order, 1983	5
4. <i>New Zealand</i>	
The Diplomatic Privileges (Common Fund for Commodities) Order 1983	6

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>	8
2. <i>Agreements relating to installations and meetings</i>	
(a) Agreement between the United Nations and Austria regarding the arrangements for the 1983 United Nations Conference on Succession of States in respect of State Property, Archives and Debts, to be held at Vienna from 1 March to 8 April 1983. Signed at Vienna on 3 February 1983	8
(b) Exchange of letters constituting an agreement between the United Nations and Indonesia concerning the arrangement for the United Nations Seminar on the Question of Palestine, to be held at Jakarta from 9 to 13 May 1983. New York, 9 and 22 February 1983	9

Chapter I

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

1. Botswana

DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT

(CAP. 39:01)

(a) DIPLOMATIC IMMUNITIES AND PRIVILEGES (CONFERMENT OF PERSONAL IMMUNITIES AND PRIVILEGES) ORDER, 1983¹*

(Published on 15th July, 1983)

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
2. Conferment of certain personal immunities and privileges
3. Revocation of Cap. 39:01 (Sub. Leg.)

SCHEDULE

IN EXERCISE of the powers conferred on the President by section 4 (2) (b) and (c) of the Diplomatic Immunities and Privileges Act, the following Order is hereby made—

1. This Order may be cited as the Diplomatic Immunities and Privileges (Conferment of Personal Immunities and Privileges) Order, 1983, and shall be deemed to have come into operation on 1st July, 1973.

2. (1) Each of the officers designated in Part I of the Schedule shall have all the immunities and privileges set out in Part II of the Second Schedule to the Act.²

(2) Each officer belonging to a class of officers designated in Part II of the Schedule shall have all the immunities and privileges set out in Part III of the Second Schedule to the Act.³

(3) Each officer belonging to a class of officers designated in Part III of the Schedule shall have the privilege set out in paragraph 11 of Part III of the Second Schedule to the Act alone, namely, exemption from income tax in respect of emoluments received as an officer of the organization in question.

3. The Diplomatic Immunities and Privileges (Conferment of Personal Immunities and Privileges) Order is hereby revoked.

¹The notes to each chapter are to be found at the end of that particular chapter.

SCHEDULE

PART I

European Economic Community

Resident Representative

Deputy Resident Representative

International Red Locust Control Organisation for Central and Southern Africa

Director

United Nations specialized agency or other organ

Resident Representative

Deputy Resident Representative

PART II

International Red Locust Control Organisation for Central and Southern Africa

Chief Administrative Officers

Chief Pilots

Senior Staff Pilots

Chief Aircraft Engineers

Aircraft Engineers

Chief Scientific Officers

Senior Scientific Officers

PART III

United Nations specialized agency or other organ

Officers subordinate to the Deputy Resident Representative

MADE this 7th day of July, 1983.

Q. K. J. MASIRE,
President

(b) DIPLOMATIC IMMUNITIES AND PRIVILEGES (CONFERMENT OF IMMUNITIES AND PRIVILEGES ON CERTAIN ORGANIZATIONS) ORDER, 1983⁴

(Published on 15th July, 1983)

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
2. Application of section 4 of Act to scheduled organizations
3. Scheduled organizations to have certain immunities and privileges and legal capacities of body corporate
4. Revocation of Cap. 39:01 (Sub. Leg.)

SCHEDULE

IN EXERCISE of the powers conferred on the President by section 4 (1) and (2) (a) of the Diplomatic Immunities and Privileges Act, the following Order is hereby made—

1. This Order may be cited as the Diplomatic Immunities and Privileges (Conferment of Immunities and Privileges on Certain Organizations) Order, 1983, and shall be deemed to have come into operation on 1st July, 1973.

2. The organizations specified in the Schedule (hereinafter referred to as "the scheduled organizations") are hereby designated for the purposes of section 4 of the Act or that section is otherwise hereby applied thereto.

3. Each of the scheduled organizations shall have all the immunities and privileges set out in Part I of the Second Schedule to the Act⁵ and shall also have the legal capacities of a body corporate.

4. The Diplomatic Immunities and Privileges (Designation of Organizations and Conferment of Immunities and Privileges) Order is hereby revoked.

SCHEDULE

European Economic Community
International Committee of the Red Cross
International Red Locust Control Organisation for Central and Southern Africa
Organization of African Unity
United Nations and every specialized agency or other organ thereof
MADE this 7th day of July, 1983.

Q. K. J. MASIRE,
President

2. Cameroon

NOTE DATED 15 JUNE 1984 FROM THE PERMANENT MISSION OF CAMEROON TO THE UNITED NATIONS⁶

The Permanent Mission of the Republic of Cameroon . . . has the honour to communicate the following information:

(1) As regards the legal status of the privileges and immunities accorded to the United Nations and its specialized agencies, the Republic of Cameroon applies the Convention on the Privileges and Immunities of the United Nations⁷ in conformity with the headquarters agreements signed with certain specialized agencies, such as the United Nations Development Programme (UNDP).

Thus, United Nations officials in Cameroon acting in their official capacity enjoy the privileges and immunities provided for in articles V and VII of the aforesaid Convention. Experts on mission for the United Nations and members of the Governing Council and the Advisory Committee appointed by the Organization who are not staff members enjoy the privileges and immunities provided for in article VI of the same Convention.

...

3. Ireland

INTERNATIONAL JUTE ORGANISATION (DESIGNATION) ORDER, 1983⁸

WHEREAS it is enacted by section 40 (1) of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967),⁹ that the Government may by order designate an international organisation of which the State or Government is or intends to become a member to be an organisation to which Part VIII of that Act applies:

AND WHEREAS the International Jute Organisation is an organisation such as aforesaid:

Now, the Government, in exercise of the powers conferred on them by section 40 of the said Diplomatic Relations and Immunities Act, 1967, hereby order as follows:

1. This Order may be cited as the International Organisation (Designation) Order, 1983.
2. The International Jute Organisation is hereby designated as an Organisation to which Part VIII of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967), applies.

GIVEN under the Official Seal of the Government, this 28th day of June, 1983.

GARRET FITZGERALD,
Taoiseach

4. New Zealand

THE DIPLOMATIC PRIVILEGES (COMMON FUND FOR COMMODITIES) ORDER 1983

David Beattie, Governor-General

Order in Council

At the Government House at Wellington this 26th day of September 1983

Present:

His Excellency the Governor-General in Council

Pursuant to section 9 of the Diplomatic Privileges and Immunities Act 1968, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and, in respect of clause 11 of this order, at the request and with the consent of the Cabinet of Ministers of Niue, hereby makes the following order.

ORDER

1. *Title and commencement*—(1) This order may be cited as the Diplomatic Privileges (Common Fund for Commodities) Order 1983.

(2) This order shall come into force on the 14th day after the date of its notification in the *Gazette*.¹⁰

2. *Declaration as to organisation*—The Common Fund for Commodities (in this order called the Common Fund), established by the Agreement Establishing the Common Fund for Commodities done at Geneva on the 27th day of June 1980, is hereby declared to be an organisation of which the Governments of two or more States are members.

Privileges and Immunities of the Common Fund

3. *Body corporate*—The Common Fund shall have the legal capacities of a body corporate.

4. *Immunity from suit*—Except in so far as in any particular case it has expressly waived its immunity, the Common Fund shall have immunity from suit and legal process.

5. *Inviolability of premises and archives*—The Common Fund shall have the like inviolability of official premises and official archives as is accorded in respect of official premises and official archives of a diplomatic mission.

6. *Immunity of property*—The Common Fund shall have immunity in relation to its property and assets from search, requisition, confiscation, expropriation, or any other form of interference.

7. *Exemption from taxes and rates*—The Common Fund shall have 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.

8. *Exemption from taxes on importation of goods*—The Common Fund shall have exemption from taxes on the importation of goods directly imported by the Common Fund for its official use in New Zealand or for exportation, or on the importation of any publications of the Common Fund directly imported by it, subject to compliance with such conditions as the Minister of Customs may determine for the protection of the revenue.

9. *Exemption from restrictions on importation or exportation of goods for official use*—The Common Fund shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Common Fund for its official use and in the case of any publications of the Common Fund directly imported or exported by it, subject to compliance with such conditions as the Minister of Customs may determine for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

Privileges and Immunities of Staff

10. *Privileges and immunities of certain office holders and staff*—Except in so far as in any particular case any immunity or privilege is waived by the Common Fund, all Governors, Executive Directors, and their alternates, the Managing Director, all members of the Consultative Committee, all members of the staff of the Common Fund other than persons in the domestic service of the Common Fund, and all experts employed on missions on behalf of the Common Fund shall be accorded—

(a) Immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties;

(b) Exemption from income tax in respect of endowments, stipends, or allowances received for services in respect of their duties.

11. *Application to Niue*—This order shall be in force in Niue.

P. G. MILLEN,
Clerk of the Executive Council

NOTES

¹ Statutory Instrument No. 76 of 1983.

² Text reproduced in *Juridical Yearbook, 1978*, p. 4, footnote 4.

³ *Ibid.*, footnote 5.

⁴ Statutory Instrument No. 77 of 1983.

⁵ Text reproduced in *Juridical Yearbook, 1978*, p. 3, footnote 2.

⁶ Translation prepared by the Secretariat of the United Nations on the basis of a French version provided by the Permanent Mission.

⁷ United Nations, *Treaty Series*, vol. 1, p. 15.

⁸ Statutory Instrument No. 184 of 1983.

⁹ Text reproduced in the *Juridical Yearbook, 1967*, p. 37.

¹⁰ Date of notification in the *Gazette*: 29 September 1983.