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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

(a) PRIVILEGES AND IMMUNITIES (INTERNATIONAL ORGANIZATIONS) ACT

- (i) Working Group of Experts on Marine Pollution from Land-based Sources, Privileges and Immunities Order 1985^{1*}

P.C. 1985-1128 4 April 1985

Her 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, is pleased hereby to make the annexed Order respecting the Privileges and Immunities in Canada of the Participants in the Third Session of the Ad Hoc Working Group of Experts on the Protection of the Marine Environment against Pollution from Land-based Sources.

ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES IN CANADA OF THE PARTICIPANTS IN THE THIRD SESSION OF THE AD HOC WORKING GROUP OF EXPERTS ON THE PROTECTION OF THE MARINE ENVIRONMENT AGAINST POLLUTION FROM LAND-BASED SOURCES

Short title

1. This Order may be cited as the *Working Group of Experts on Marine Pollution from Land-based sources, Privileges and Immunities Order 1985*.

Interpretation

2. In this Order,

“Convention” means the Convention on the Privileges and Immunities of the United Nations;

“experts performing missions for the Organization” means experts who are invited by the United Nations to attend the meeting;

“Meeting” means the third session of the Ad Hoc Working Group of Experts on the Protection of the Marine Environment against Pollution from Land-based Sources, to be held in Montreal from April 11 to 19, 1985;

“officials of the Organization” means all persons required to attend the Meeting on behalf of the United Nations;

“Organization” means the United Nations and includes the United Nations Environment Programme.

Privileges and immunities

3. (1) During the period commencing on April 4, 1985 and terminating on April 26, 1985, officials of the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in article V of the Convention for officials of the United Nations.

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

(2) During the period commencing on April 4, 1985 and terminating on April 26, 1985, experts performing missions for the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in article VI of the Convention for experts on missions for the United Nations.

(ii) **WMO Commission for Instruments and Methods of Observation, Privileges and Immunities Order, 1985²**

P.C. 1985-1685 23 May 1985

Her Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, pursuant to paragraphs 3 (2) (d) and (e) of the Privileges and Immunities (International Organizations) Act, is pleased hereby to revoke the WMO Commission for Instruments and Methods of Observation, Privileges and Immunities Order 1985, made by Order in Council P.C. 1985-357 of 7 February 1985, and to make the annexed Order respecting the Privileges and Immunities in Canada of the participants to the Ninth Session of the Commission for Instruments and Methods of Observation of the World Meteorological Organization and the related Technical Conference on Instruments and Methods of Observation.

ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES IN CANADA OF THE PARTICIPANTS TO THE NINTH SESSION OF THE COMMISSION FOR INSTRUMENTS AND METHODS OF OBSERVATION OF THE WORLD METEOROLOGICAL ORGANIZATION AND THE RELATED TECHNICAL CONFERENCE ON INSTRUMENTS AND METHODS OF OBSERVATION

Short title

1. This Order may be cited as the *WMO Commission for Instruments and Methods of Observation, Privileges and Immunities Order 1985*.

Interpretation

2. In this Order,
- “Convention” means the Convention on the Privileges and Immunities of the United Nations;
 - “experts performing missions for the Organization” means experts who are invited by the World Meteorological Organization to attend the Meeting;
 - “Meeting” means the participants to the Ninth Session of the WMO Commission for Instruments and Methods of Observation of the World Meteorological Organization and the related Technical Conference on Instruments and Methods of Observation, to be held in Ottawa from July 8, 1985 to July 26, 1985;
 - “officials of the Organization” means all persons required to attend the Meeting on behalf of the World Meteorological Organization;
 - “Organization” means the World Meteorological Organization.

Privileges and immunities

3. (1) During the period commencing on July 1, 1985 and terminating on August 2, 1985, officials of the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in article V of the Convention for officials of the United Nations.

(2) During the period commencing on July 1, 1985 and terminating on August 2, 1985, experts performing missions for the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in article VI of the Convention for experts on missions for the United Nations.

(iii) International Coordination Group for the Tsunami Warning System in the Pacific, Privileges and Immunities Order, 1985³

P.C. 1985-2276 24 July 1985

Her Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State for External Affairs, pursuant to paragraphs 3(2)(d) and (e) of the Privileges and Immunities (International Organizations) Act, is pleased hereby to make the annexed Order respecting the Privileges and Immunities in Canada of the participants to the Tenth Biennial Meeting of the International Coordination Group for the Tsunami Warning System in the Pacific.

ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES IN CANADA OF THE PARTICIPANTS TO THE TENTH BIENNIAL MEETING OF THE INTERNATIONAL COORDINATION GROUP FOR THE TSUNAMI WARNING SYSTEM IN THE PACIFIC

Short title

1. This Order may be cited as the *International Coordination Group for the Tsunami Warning System in the Pacific, Privileges and Immunities Order 1985*.

Interpretation

2. In this Order,

“Commission” means that portion of the Organization known as the Intergovernmental Oceanographic Commission;

“Convention” means the Convention on the Privileges and Immunities of the United Nations;

“experts performing missions for the Organization” means experts who are invited by the Commission to attend the meeting;

“Meeting” means the Tenth Biennial Meeting of the International Coordination Group for the Tsunami Warning System in the Pacific to be held in Sidney, British Columbia, from July 29, 1985 to August 3, 1985;

“officials of the Organization” means all persons invited or required to attend or service the Meeting on behalf of the Organization;

“Organization” means the United Nations Educational, Scientific and Cultural Organization.

Privileges and immunities

3. (1) During the period commencing on July 21, 1985 and terminating on August 18, 1985, officials of the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in article V of the Convention for officials of the United Nations.

(2) During the period commencing on July 21, 1985 and terminating on August 18, 1985, experts performing missions for the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in article VI of the Convention for experts on missions for the United Nations.

(b) ORDER 758-85 OF THE GOVERNMENT OF QUEBEC, 17 APRIL 1985⁴

Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

Fiscal exemptions—Members of diplomatic and consular corps and non-Canadian representatives to the International Civil Aviation Organization—Amendment

Fiscal exemptions—Members of diplomatic and consular corps and non-Canadian representatives to the International Civil Aviation Organization (Amendment) Regulation

WHEREAS under the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-

25.1), the Minister of International Relations is responsible for awarding privileges and immunities to representatives of foreign countries;

WHEREAS under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government may make regulations to exempt from the duties provided for by a fiscal law, under the conditions which it prescribes, functionaries or agents of the Government of a country other than Canada, the members of their families or personnel, prescribed international bodies and their head officers, and official representatives of countries other than Canada on prescribed international bodies;

WHEREAS the Fiscal exemptions—Members of diplomatic and consular corps and non-Canadian representatives to the International Civil Aviation Organization Regulation (Order in Council 238-84 dated 1 February 1984) was made under that Act;

WHEREAS representations have been made to the Minister of Revenue to simplify the fiscal exemption procedure set up under that Regulation in respect of the Retail Sales Tax Act (R.S.Q., c. I-1), the Tobacco Tax Act (R.S.Q., c. I-2) and the Telecommunication Tax Act (R.S.Q., c. T-4);

WHEREAS it is expedient to amend the Regulation in order to provide new procedures for application of the exemption from the retail sales tax, the tobacco tax and the telecommunications tax.

IT IS ORDERED, upon the recommendation of the Minister of International Relations and the Minister of Revenue:

THAT the Regulation attached hereto, entitled "Fiscal exemptions—Members of diplomatic and consular corps and non-Canadian representatives to the International Civil Aviation Organization (Amendment) Regulation", be made.

Fiscal exemptions—Members of diplomatic and consular corps and non-Canadian representatives to the International Civil Aviation Organization (Amendment) Regulation

An Act respecting the Ministère du Revenu

(R.S.Q., c. M-31, s. 96 par. a to c and s. 97)

1. The Fiscal exemptions—Members of diplomatic and consular corps and non-Canadian representatives to the International Civil Aviation Organization Regulation, made by Order in Council 238-84 dated 1 February 1984 and amended by the Regulation made by Order in Council 2113-84 dated 19 September 1984, is further amended by substituting the following paragraph for paragraph (2) of section 2:

"(2) is registered with the Ministère des Relations internationales;"

2. The following sections are substituted for sections 3 and 4 of the Regulation:

"3. A person specified in section 1 is exempted from the duties and taxes levied under the following Acts:

"(1) Succession Duty Act (R.S.Q., c. D-13.2);

"(2) Taxation Act (R.S.Q., c. I-3);

"(3) Telecommunications Tax Act (R.S.Q., c. T-4).

"He is also exempted from the tax levied under the Retail Sales Tax Act (R.S.Q., c. I-1) in respect of the purchase of electricity and the leasing of a telecommunication instrument or telephone service.

"4. Subject to section 3, a person specified in section 1 is exempted, by refund, and upon the filing of vouchers with the Ministère du Revenu through the Ministère des Relations internationales, from the duties and taxes levied under the following Acts:

"(1) Retail Sales Tax Act;

"(2) Tobacco Tax Act (R.S.Q., c. I-2);

"(3) Fuel Tax Act (R.S.Q., c. T-1); and

"(4) Meals and Hotels Tax Act (R.S.Q., c. T-3).

"However, the exemption prescribed by paragraph (1) of the first paragraph only applies, in respect of a purchase of alcohol, where the purchase was made at one of the three branches of the Société des alcools du Québec indicated by the Minister of International Relations."

3. The following section is substituted for section 7 of the Regulation:

“7. The individual who wishes to avail himself of section 6 shall, at the time of the transaction:

“(1) produce to the agent, the identity card issued to him jointly by the Ministère des Relations internationales and by the Ministère du Revenu;

“(2) sign the invoice in the presence of the agent, after the agent has written on the invoice the name and address of the customer and the identification number appearing on the identity card.

“In the case of a purchase of tobacco or alcohol, the individual may also avail himself of section 6 by sending to the tobacco manufacturer or to one of the three branches of the Société des alcools du Québec indicated by the Minister of International Relations, a purchase order bearing his initials as well as the seal of the foreign representation to which he belongs.”

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

2. Federal Republic of Germany

ORDINANCE ON THE DIPLOMATIC PRIVILEGES AND IMMUNITIES IN THE FIELD OF SOCIAL SECURITY GRANTED TO ORGANIZATIONS SET UP PURSUANT TO INTERGOVERNMENTAL AGREEMENTS OF 5 AUGUST 1985⁵

Pursuant to

article 3 of the Law of 22 June 1954 on 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 on the Privileges and Immunities granted to other Intergovernmental Organizations (BGB1. 1954 II, p. 639), revised by article 4 of the Law of 16 August 1980 (BGB1. II, p. 941), and

article 3 of the Law of 16 August 1980 to the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 (BGB1. 1980 II, p. 941),

the Government of the Republic of Germany, in agreement with the Bundesrat, decrees:

Article 1

(1) German laws and regulations governing compulsory insurance under the statutory sickness scheme, the statutory accident insurance scheme and the statutory old-age pension insurance scheme, as well as the laws and regulations regarding child benefit and regarding the obligation to pay contributions and levies under the Employment Promotion Act shall not apply, except as provided in paragraphs 2 to 3, to organizations set up pursuant to intergovernmental agreements (organizations) and to their staff members employed, within the scope of application of this ordinance, in respect of such employment,

1. in so far as these staff members are members of the social security system of an organization and
2. in so far as the Federal Republic of Germany, after consultations with the organization, declares to the organization that the benefits of the social security system of the organization are sufficient, and that according to this provision the exemption from German laws and regulations is justified with due regard to the interests of the organization and its employees, and with due regard to article 2, paragraph 1, sentence 2; the exemption from the German laws and regulations takes effect from the date of publication of the declaration of the representative of the Federal Republic of Germany in the *Federal Gazette*; it also takes effect retroactively from a date prior to the date of declaration, this date being specified in the declaration.

(2) In the case of a staff member who, on the making of the declaration pursuant to paragraph 1, sub-item 2, is employed by the organization, an exemption from the German laws and regulations governing compulsory insurance under the statutory old-age pension insurance scheme under paragraph 1 of this article shall only take effect if he declares his consent. The declaration of consent shall be submitted to the old-age pension insurance institution within one year from the date on which the Federal Republic of Germany submitted the declaration, pursuant to paragraph 1, sub-item 2; the deadline shall also be regarded as having been observed where the declaration has been submitted to an old-age pension insurance institution other than the responsible one. The exemption from compulsory insurance takes effect from the date of receipt of the declaration of consent. The staff member may determine that the exemption from compulsory insurance shall take effect from an earlier date of his employment with the organization; this date, however, cannot be prior to the date specified, pursuant to paragraph 1, sub-item 2, second part of the sentence, in the declaration of the Federal Republic of Germany.

(3) The exemption from insurance and the exemption from compulsory insurance shall, in accordance with the provisions of the statutory pension insurance, take preference to the exemption pursuant to paragraphs 1 and 2.

Article 2

(1) Where compulsory contributions to the statutory old-age pension insurance scheme were paid in respect of a period which was not covered by the compulsory insurance referred to under article 1, the contributions shall be refunded in accordance with the laws and regulations governing erroneously paid contributions. They are to be disbursed to the organization, in so far as a refund is asserted, after consultation with the organization pursuant to article 1, paragraph 1, sub-item 2, with priority being given to the establishment or replenishment of future rights of the staff member in the old-age pension insurance scheme of the organization. Notwithstanding the provisions of article 27, paragraph 2, of the Fourth Volume of the Social (Insurance) Security Code, the reimbursement entitlement becomes statute-barred within four years from the end of the calendar year in which the declaration was submitted pursuant to article 1, paragraph 1, sub-item 2, or, in so far as this is required, in which the consent was submitted pursuant to article 1, paragraph 2. Non-refunded contributions shall, without any objection being necessary, be deemed voluntary insurance contributions, provided that the right to voluntary insurance existed at the time of payment.

(2) Compulsory contributions to the statutory health and accident insurance as well as contributions and levies under the Employment Promotion Act, which were made pursuant to article 5, paragraph 1, for the period preceding the entry into force of this ordinance, shall not be reimbursed.

Article 3

The specific national, supranational and intergovernmental provisions applying to individual organizations take preference over articles 1 and 2.

Article 4

Pursuant to article 14 of the Third Transitional Law, this ordinance shall apply, in connection with article 4 of the Law of 22 June 1954, specified in the preamble and revised by the Law of 28 February 1964 (BGBI. II, p. 187), and article 5 of the Law of 16 August 1980, specified in the preamble, also to the *Land Berlin*.

Article 5

(1) This ordinance shall take effect, subject to the provisions of paragraph 2 of this article, on the day after its promulgation.

(2) In so far as the ordinance refers to the application of the laws and regulations governing the statutory old-age pension insurance scheme, it shall enter into force with effect from 1 January 1956.

NOTES

¹See *Canada Gazette*, part II, vol. 119, No. 8.

²*Ibid.*, No. 12.

³*Ibid.*, p. 16.

⁴See *Gazette officielle du Québec*, 24 April 1985, vol. 117, No. 18.

⁵Unofficial translation from German provided by the Permanent Mission of the Federal Republic of Germany to the United Nations. Published in the *Bundesgesetzblatt (Federal Law Gazette)*, No. 28, 1985 (II), p. 961.