

立法會秘書處法律事務部的信頭  
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By Fax (2524 7103) and By Post

17 May 1999

Director of Administration  
Chief Secretary for Administration's Office  
(Attn: Mrs Apollonia LIU  
Asst Dir of Adm (1))  
Room 1239, West Wing  
CGO, 11 Ice Street  
Central, Hong Kong

Dear Mrs LIU

**Adaptation of Laws (No. 10) Bill 1999**

As You are aware, at the House Committee Meeting on 30 April 1999, Members have resolved to form a bills committee to study the above Bill.

To facilitate Members' consideration of the relevant provisions contained in the notifications made under the International Organizations and Diplomatic Privileges Ordinance (Cap. 190), I would be grateful if you would kindly confirm in respect of each of the provisions listed in the Schedule attached whether the exclusion regarding British citizens, British Dependent Territories citizens and British Overseas citizens forms part of the relevant international convention or agreement giving rise to the notification or has been added by the British or Colonial authority in implementing the terms of such convention or international agreement.

Yours sincerely

(KAU Kin-wah)  
Assistant Legal Adviser

**Schedule**

<b>Notifications (Cap. 190 sub. leg.)</b>	<b>Provisions</b>
The Food and Agriculture Organization	Article 8 Paragraphs (1)(c) & (3)
The International Civil Aviation Organization	Article 8 Paragraphs (1)(c) & (3)
The International Labour Organization	Article 8 Paragraphs (1)(c) & (3)
The United Nations	Articles 8(c), 13 & 15
The United Nations Educational, Scientific and Cultural Organization	Article 8 Paragraphs (1)(c) & (3)
The World Health Organization	Article 8 Paragraphs (1)(c) & (3)
The International Atomic Energy Agency	Article 8 Paragraph (4) Proviso to Article 9 Proviso to Paragraph (c) of Article 11(1)
The Organization for the Network of Aquaculture Centres in Asia and the Pacific Notification	Paragraph 9(4)

<b>Notifications (Cap. 190 sub. leg.)</b>	<b>Provisions</b>
The International Telecommunication Union	Article 8(4)
The Universal Postal Union	Article 8(4)
The World Meteorological Organization	Article 8(4)
The Asia-Pacific Telecommunity Notification	Article 11(4)
The International Maritime Satellite Organization Notification	Article 9(4)
The International Telecommunications Satellite Organization Notification	Article 9(4)

政府總部的信頭

本函檔號 Our Ref.: SF(41) Pt. 7 to CSO/ADM CR 1/1/3572/90(99)

來函檔號 Your Ref.: LS/B/67/98-99

Tel : 2810 2577

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**By FAX-2877 5029**

14 July, 1999

Mr K W Kau  
Assistant Legal Adviser  
Legislative Council Secretariat  
Legislative Council Building,  
8 Jackson Road,  
Central

Dear Mr Kau,

**Adaptation of Laws (No. 10) Bill 1999**

I refer to your letters dated 17 May 1999 and 7 July 1999 regarding the captioned Bill and attach herewith the Administration's response to the points you have raised therein.

Although you have not covered in your enquiry matters relating to the Inter-governmental Maritime Consultative Organization (now renamed as International Maritime Organization (IMO)), you may wish to note that the IMO is a specialized agency of the United Nations and that part of the Administration's response regarding specialized agency of the United Nations also applies to IMO.

I also enclose at Annex extracts from the relevant international agreements mentioned in the Administration's response for your easy reference.

Yours sincerely,

(Mrs Apollonia Liu)  
for Director of Administration

Encl.

**Response to the Points raised by Mr K W Kau,**  
**Assistant Legal Adviser of the LegCo Secretariat on 17 May 1999**  
**regarding the Adaptation of Laws (No. 10) Bill 1999**

Notifications made under the International Organizations and Diplomatic Privileges Ordinance (Cap. 190)

<b>Notifications (Cap. 190 sub. leg.)</b>	<b>Provisions</b>	<b>Response</b>
The Food and Agriculture Organization	Article 8 Paragraphs (1) (c) & (3)	The eight organizations in question are all specialized agencies of the United Nations. The privileges and immunities of these organizations and their personnel are governed by the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of 1947 (“the 1947 Convention”).  The origin of the provisions regarding denial of privileges and immunities to British citizens, British Dependent Territories citizens and British Overseas citizens set out in the relevant notifications under the International Organizations and Diplomatic Privileges Ordinance Cap. 190 is section 17 of the 1947 Convention. Section 17 provides that the provisions of sections 13, 14 and 15 of the 1947 Convention (in which privileges and immunities conferred on representatives of member governments at meetings convened by a specialized agency are set out and some of them have been reproduced in our notifications) are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative. Section 17 of the 1947 Convention was implemented in Hong Kong by enactment of the said provisions in the relevant notifications to reflect the local circumstances of Hong Kong prior to the reunification.
The International Civil Aviation Organization	Article 8 Paragraphs (1)(c) & (3)	
The International Labour Organization	Article 8 Paragraphs (1)(c) & (3)	
The United Nations Educational Scientific And Cultural Organization	Article 8 Paragraphs (1)(c) & (3)	
The World Health Organization	Article 8 Paragraphs (1)(c) & (3)	
The International Telecommunication Union	Article 8(4)	
The Universal Postal Union	Article 8(4)	
The World Meteorological Organization	Article 8(4)	

<b>Notifications (Cap. 190 sub. leg.)</b>	<b>Provisions</b>	<b>Response</b>
The United Nations	Article 8(c)	The origin of Article 8(c) on denial of privileges and immunities to British citizens, British Dependent Territories citizens and British Overseas citizens in the Notification in respect of the United Nations, Cap. 190 sub. leg. H, is section 15 of the General Convention on the Privileges and Immunities of the United Nations adopted on 13 February 1946. Section 15 is substantially the same as section 17 of 1947 Convention quoted above. Section 15 was implemented in the terms in the UN Notification to suit the circumstances of Hong Kong before 1 July 1997.
	Articles 13 & 15	<p>These two Articles concern the privileges and immunities granted to the International Court of Justice (ICJ). ICJ is one of the main organs of the United Nations. The said Articles of the Notification in respect of the United Nations, Cap. 190 sub. leg. H, stipulate the privileges and immunities enjoyed by judges and Registrar of the Court and agents, counsel and advocates appearing before the Court. These privileges and immunities have their origin in Articles 19 and 42 of the Statute of ICJ of 1945.</p> <p>We have not been able to locate similar provisions on denial of privileges and immunities to the personnel who are nationals of a host State in the Statute of the ICJ. Nevertheless, given that ICJ is a principal organ of the United Nations, section 15 of the Convention on Privileges and Immunities of the United Nations of 1946 should apply to ICJ and hence the local application of the said section of the Convention by way of Articles 13 and 15 of the United Nations Notification Cap. 190 sub. Leg. H.</p>
The International Atomic Energy Agency (IAEA)	Article 8 Paragraph (4), Proviso to Article 9, Proviso to Paragraph (c)	Article XV.C of the Statute of the IAEA provides that the legal capacity, privileges and immunities referred to in that Article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director-General

<b>Notifications (Cap. 190 sub. leg.)</b>	<b>Provisions</b>	<b>Response</b>
	Of Article 11(1)	<p>acting under the instructions of the Board of Governors, and the Members.</p> <p>The Agreement on the Privileges and Immunities of LAEA was approved by the Board of Governors on 1 July 1959.</p> <p>The privileges and immunities enjoyed by Representative of Members at meetings convened by LAEA are set out in sections 12, 13 and 14 of Article V of the Agreement. Some of these privileges and immunities are reproduced in Article 8 of the Notification in respect of the Agency under Cap. 190. Section 16 of Article V stipulates that the provisions of section 12, 13 and 14 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative. The provisions of section 16 on denial of privileges and immunities to one's own nationals has been implemented in Hong Kong in paragraph 8(4) of the Notification at Cap. 190 sub. leg. C. It has been suitably amended to reflect the special circumstances of Hong Kong before the reunification.</p> <p>The Director-General and Deputy Director of LAEA may enjoy privileges and immunities set out in Article VI of the 1959 Agreement. Some of these privileges and immunities have been translated into our local law (see Article 9 of the Notification at Cap. 190 sub. leg. C). However, the exclusion regarding British citizens, British Dependent Territories citizens and British Overseas citizens is not part of the Agreement.</p> <p>Privileges and immunities that may be claimed by experts on mission for the IAEA are set out in Article VII of the 1959 Agreement. These are reproduced in paragraph 11 of the Notification at Cap. 190 sub. leg. C. The exclusion regarding British citizens, British Dependent Territories citizens and British Overseas citizens is not part of the Agreement.</p>

<b>Notifications (Cap. 190 sub. leg.)</b>	<b>Provisions</b>	<b>Response</b>
The Organization for the Network of Aquaculture Centres in Asia and the Pacific Notification	Paragraph 9(4)	<p>Article 14.3 of the Agreement on the Network of Aquaculture Centre in Asia and the Pacific 1988, as amended, provides that each Member shall accord the status, privileges and immunities referred to above by applying, <i>mutatis mutandis</i>, to the Organization, the representatives of Members, and to the Co-ordinator and staff of the Organization the privileges and immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947.</p> <p>Therefore, reference should be made to section 17 of 1947 Convention quoted above in respect of the refusal to grant to one's own nationals privileges and immunities. Paragraph 9(4) of the Notification in our Cap. 190 sub. leg. F is the implementation of the section 17 of 1947 Convention (or Article 14.3 of the Agreement of the Organization) which reflects the local circumstances of Hong Kong at that time.</p>
The Asia-Pacific Telecommunity Notification	Article 11(4)	<p>Article 12(3) of the Constitution of the Asia-Pacific Telecommunity (APT) provides that the APT and its officials may enjoy, in the territory of each of the Members and Associate Members of the APT, such privileges and immunities as may be necessary for the exercise of its functions and fulfillment of its objectives as are accorded to the United Nations and the officials thereof under the Convention on the Privileges and Immunities of the United Nations 1946, or, at the option of any Member or Associate Member such privileges and immunities as may be defined by agreement concluded between it and the APT.</p> <p>However, the privileges and immunities of representatives of members and associate members to the General Assembly, the Management Committee or to any conference of APT and the exclusion thereof regarding British citizens, British Dependent Territories citizens and British Overseas citizens do not form part of the APT Constitution.</p>



<b>Notifications (Cap. 190 sub. leg.)</b>	<b>Provisions</b>	<b>Response</b>
The International Maritime Satellite (INMARSAT) Organization Notification	Article 9(4)	<p>According to Article 9(1) of the 1981 Protocol on Privileges and Immunities of INMARSAT, representatives of the Parties to the Protocol and representatives of the Headquarters party shall enjoy, whilst exercising their official functions and in the course of their journeys to and from their place of meeting, privileges and immunities stipulated in that Article. Some of those privileges and immunities are paraphrased in Article 9(1) of our Notification in respect of INMARSAT in Cap. 190 sub. leg. P.</p> <p>Article 9(2) of the 1981 Protocol provides that the provisions in paragraph (1) shall not apply in relations between a Party to the Protocol and its representatives. Furthermore, the provisions of paragraphs (a) (immunity from arrest), (d) (exemption from immigration restrictions), (e) (treatment of currency and exchange control) and (f) (customs) of paragraph (1) shall not apply in relations between a party to the Protocol and its nationals or permanent residents.</p> <p>Article 9(2) has been implemented in Hong Kong in Article 9(4) of our Notification at Cap. 190 sub. leg. P in such a way as to reflect the local circumstances of Hong Kong before the reunification.</p>
The International Telecommunications Satellite (INTELSAT) Organization Notification	Article 9(4)	<p>The origin of Article 9(4) in the Notification in respect of INTELSAT under our Cap. 190 sub. leg. Q is Article 8.4 of the Protocol on INTELSAT Privileges, Exemptions and Immunities, 1978, 2 UKTS (1981) Cmnd. 7385. Article 8.4 provides that no Contracting Party shall be obliged to accord to its own nationals or to its own representatives the privileges and immunities referred to in paragraphs 1 and 2 of Article 8. Article 8.1 and 8.2 sets out the privileges and immunities of representatives of INTELSAT parties at meetings called by or held under the auspices of INTELSAT, and some of which are reproduced in Article 9(1) and 9(2) of our Notification at Cap. 190 sub. leg. Q.</p>

<b>Notifications (Cap. 190 sub. leg.)</b>	<b>Provisions</b>	<b>Response</b>
		Article 9(4) in our Notification at Cap. 190 sub. leg. Q implements the provision in the Protocol on denial of privileges and immunities to one's nationals in the light of local circumstances of Hong Kong prior to the reunification.

**Extracts from the Relevant International Agreements**

- A. Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations
- B. General Convention on the Privileges and Immunities of the United Nations
- C. Statute of the International Court of Justice
- D. Agreement on the Privileges and Immunities of the International Atomic Energy Agency
- E. Agreement on the Network of Aquaculture Centre in Asia and the Pacific
- F. Constitution of the Asia-Pacific Telecommunity
- G. Protocol on the Privileges and Immunities of the International Maritime Satellite Organization
- H. Protocol on INTELSAT Privileges, Exemptions and Immunities

For Panama: J. M. MENDEZ M.

For Sweden: ERIK DOHEMAN.

For the Union of South Africa: W. C. DU PLESSIS.

For the Union of Soviet Socialist Republics: G. ZAROUBIN.

For the United Kingdom of Great Britain and Northern Ireland HAROLD CACCIA.

For the United States of America: HERBERT HOOVER, JR.

<i>Ratifications</i>	<i>Date of Deposit</i>
United Kingdom ... ..	May 23, 1957.
Canada ... ..	June 14, 1957.
Australia ... ..	April 8, 1957.
New Zealand ... ..	June 21, 1957.
South Africa ... ..	April 25, 1957.
Brazil ... ..	May 4, 1959.
Denmark ... ..	July 26, 1957.
France ... ..	April 14, 1958.
Iceland ... ..	November 23, 1956.
Japan ... ..	May 24, 1957.
Mexico ... ..	March 9, 1959.
Netherlands ... ..	December 23, 1957.
Norway ... ..	April 15, 1957.
Panama ... ..	February 9, 1959.
Soviet Union ... ..	July 3, 1957.
Sweden ... ..	June 6, 1957.
United States of America ... ..	August 30, 1957.

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- 6 NOV 1959

Treaty Series No. 69 (1959)

## Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations

adopted by the  
General Assembly of the United Nations  
on November 21, 1947

[With Annexes]

*Presented to Parliament by the Secretary of State for Foreign Affairs  
by Command of Her Majesty  
November 1959*

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*Representatives of Members*

*Section 13*

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (b) Inviolability for all papers and documents;
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

*Section 14*

In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

*Section 15*

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence.

*Section 16*

Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the specialized agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

*Section 17*

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

*Officials*

*Section 18*

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

*Section 19*

Officials of the specialized agencies shall:—

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;
- (c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (f) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

*Section 20*

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

*Section 21*

In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

*Section 22*

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized 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 specialized agency.

B

*Mr. Stacey 2-579*

UNITED NATIONS



Treaty Series No. 10 (1950)

General Convention on  
the Privileges and Immunities  
of the United Nations

Adopted by the General Assembly of the  
United Nations on 13th February, 1946

*Presented by the Secretary of State for Foreign Affairs to Parliament  
by Command of His Majesty*

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ARTICLE V  
*Officials*

Section 17.—The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18.—Officials of the United Nations shall—

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19.—In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20.—Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21.—The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI

*Experts on Mission for the United Nations*

Section 22.—Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded—

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



Treaty Series No. 67 (1946)

# Charter of the United Nations and Statute of the International Court of Justice

San Francisco, 26th June, 1945

*Presented by the Secretary of State for Foreign Affairs  
to Parliament by Command of His Majesty*

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TWO SHILLINGS AND SIXPENCE NET

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## ARTICLE 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

## ARTICLE 42

1. The parties shall be represented by agents.
2. They may have the assistance of counsel or advocates before the Court.
3. The agents, counsel and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

D  
INTERNATIONAL  
ATOMIC ENERGY  
AGENCY



Treaty Series No. 27 (1962)

## Agreement

on the Privileges and Immunities of the  
International Atomic Energy Agency  
approved by the Board of Governors on July 1, 1959

[The United Kingdom acceptance was deposited on September 19, 1961]

*Presented to Parliament by the Secretary of State for Foreign Affairs  
by Command of Her Majesty  
April 1962*

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Ind. 1675

## ARTICLE V

### Representatives of Members

#### *Section 12*

Representatives of Members at meetings convened by the Agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (b) Inviolability for all papers and documents;
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

#### *Section 13*

In order to secure for the representatives of Members of the Agency at meetings convened by the Agency complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

#### *Section 14*

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members of the Agency at meetings convened by the Agency are present in a Member State for the discharge of their duties shall not be considered as periods of residence.

#### *Section 16*

The provisions of sections 12, 13 and 14 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

## ARTICLE VI

### Officials

#### *Section 17*

The Agency shall from time to time make known to the Governments of all States parties to this Agreement the names of the officials to whom the provisions of this Article and of Article IX apply.

#### *Section 18*

(a) Officials of the Agency shall:

- (i) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (ii) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the Agency and on the same conditions as are enjoyed by officials of the United Nations;
- (iii) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (iv) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (v) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (vi) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

(b) Officials of the Agency shall, while exercising the functions of an inspector under Article XII of the Statute of the Agency or those of a project examiner under Article XI thereof, and while travelling in their official capacity en route to and from the performance of these functions, enjoy all the additional privileges and immunities set forth in Article VII of this Agreement so far as is necessary for the effective exercise of such functions.

#### *Section 19*

The officials of the Agency shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the Agency whose names have, by reason of their duties, been placed upon a list compiled by the Director General of the Agency and approved by the State concerned.

Should other officials of the Agency be called up for national service, the State concerned shall, at the request of the Agency, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

#### *Section 20*

In addition to the privileges and immunities specified in sections 18 and 19 above, 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.

### ***Section 21***

Privileges and immunities are granted to officials in the interest of the Agency only and not for personal benefit of the individuals themselves. The Agency shall have the right and the duty to waive the immunity of any officials 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.

### ***Section 22***

The Agency shall co-operate at all times with the appropriate authorities of Member States 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 Article.

## ARTICLE VII

### **Experts on Missions for the Agency**

### ***Section 23***

Experts (other than officials coming within the scope of Article VI) serving on committees of the Agency or performing missions for the Agency, including missions as inspectors under Article XII of the Statute of the Agency and as project examiners under Article XI thereof, shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Agency;
- (c) Inviolability for all papers and documents;
- (d) For the purposes of their 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 Governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

***Section 24***

Nothing in sub-paragraphs (c) and (d) of section 23 shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Agreement and the Agency.

***Section 25***

Privileges and immunities are granted to the experts of the Agency in the interests of the Agency and not for personal benefit of the individuals themselves. 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.

## **Agreement on the Network of Aquaculture Centre in Asia and the Pacific. 8.1.1988**

### ARTICLE 14

#### Legal Status, Privileges and Immunities

1. The Organization shall have juridical personality and such legal capacity as may be necessary for the fulfilment of the Organization's objectives and for the exercise of its functions.
2. The Organization shall be accorded the privileges and immunities necessary to perform its functions provided for in this Agreement. In addition, the representatives of Members and the Coordinator and staff of the Organization shall be accorded the privileges and immunities necessary for the independent exercise of their functions with the Organization as generally accorded to international organizations in each country.
3. Each Member shall accord the status, privileges and immunities referred to above by applying, *mutatis mutandis*, to the Organization, the representatives of Members, and to the Coordinator and staff of the Organization the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947.
4. Privileges and immunities are accorded to the representatives of Members and to the Coordinator and staff of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded. If the Member does not waive the immunity of the representative, the Member shall make the strongest efforts to achieve an equitable solution of the matter. Similarly, the Coordinator not only has the right, but is under a duty to waive the immunity of a staff member where, in the opinion of the Coordinator, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded. If the Coordinator does not waive the immunity of the staff member, he shall make the strongest efforts to achieve an equitable solution of the matter. The immunity of the Coordinator may only be waived by the Governing Council.
5. The Organization shall conclude a headquarters agreement with the Host Government, and may conclude agreements with other states in which offices of the Organization may be located, specifying the privileges and immunities and facilities to be enjoyed by the Organization to enable it to fulfil its objectives and to perform its functions.



**CONSTITUTION  
OF THE  
ASIA-PACIFIC TELECOMMUNITY**

**BANGKOK**



Article 12.

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

1. The Telecommunity shall possess juridical personality. It shall have the capacity to :
  - (a) Contract;
  - (b) Acquire and dispose of Immovable and movable property;
  - (c) Institute legal proceedings.
2. The Telecommunity shall conclude a headquarters agreement with the Government of Thailand.
3. The Telecommunity and the officials thereof may enjoy, in the territory of each of the Members and Associate Members of the Telecommunity, such privileges and immunities as may be necessary for the exercise of its functions and fulfilment of its objectives as are accorded to the United Nations and the officials thereof under the Convention on the Privileges and Immunities of the United Nations, 1946, or, at the option of any Member or Associate Member such privileges and immunities as may be defined by agreements concluded between it and the Telecommunity.

.../Article 13

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES  
OF THE INTERNATIONAL MARITIME SATELLITE ORGANIZATION (INMARSAT)

Article 9. REPRESENTATIVES OF PARTIES

(1) Representatives of the Parties to the Protocol and representatives of the Headquarters Party shall enjoy, while exercising their official functions and in the course of their journeys to and from their place of meeting, the following privileges and immunities:

- (a) Immunity from any form of arrest or detention pending trial;
- (b) Immunity from jurisdiction, even after the termination of their mission, in respect of acts, including words spoken or written, done by them in the exercise of their official functions; however, there shall be no immunity in the case of a traffic offence committed by a representative, or in the case of damage caused by a motor vehicle or other means of transport belonging to or driven by him;
- (c) Inviolability for all their official papers;
- (d) Exemption, together with members of their families forming part of their respective households, from immigration restrictions and alien registration;
- (e) The same treatment in the matter of currency and exchange control as is accorded to representatives of foreign governments on temporary official missions;
- (f) The same treatment in the matter of customs as regards their personal luggage as is accorded to representatives of foreign governments on temporary official missions.

(2) The provisions of paragraph (1) shall not apply in relations between a Party to the Protocol and its representatives. Further, the provisions of paragraphs (a), (d), (e) and (f) of paragraph (1) shall not apply in relations between a Party to the Protocol and its nationals or permanent residents.

The text of the Protocol was previously published in Miscellaneous No. 31 (1978). Cmd. 7385.

PRIVILEGES  
AND  
IMMUNITIES H



Treaty Series No. 2 (1981)

Protocol  
on INTELSAT Privileges, Exemptions  
and Immunities

Washington, 19 May–20 November 1978

[The United Kingdom instrument of ratification was deposited on 24 October 1979 and the Protocol entered into force on 9 October 1980]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
January 1981*

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**CHAPTER III: REPRESENTATIVES OF INTELSAT PARTIES  
AND SIGNATORIES AND PERSONS PARTICIPATING IN  
ARBITRATION PROCEEDINGS**

**ARTICLE 8**

1. Representatives of INTELSAT Parties at meetings called by or held under the auspices of INTELSAT shall, in the exercise of their functions, and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) immunity from jurisdiction, even after termination of their mission, in respect of acts, including words written and spoken, done by them in the exercise of their official functions and within the limits of their duties. However, there shall be no immunity in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by them, or in respect of a traffic offence involving such a vehicle and committed by them;
- (b) inviolability for all their official documents and papers;
- (c) together with members of their families forming part of their households, the same immunity from restrictions on admission, alien registration and departure formalities as is normally accorded to staff members of intergovernmental organizations; provided that no Contracting Party shall be obliged to apply this provision to its permanent residents.

2. Representatives of Signatories at meetings called by or held under the auspices of INTELSAT shall, in the exercise of their functions, and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) inviolability for official documents and papers related to the performance of their functions within the scope of the activities of INTELSAT;
- (b) together with members of their families forming part of their households, the same immunity from restrictions on admission, alien registration and departure formalities as is normally accorded to staff members of intergovernmental organizations; provided that no Contracting Party shall be obliged to apply this provision to its permanent residents.

3. The members of an arbitral tribunal and witnesses before that tribunal participating in arbitration proceedings in accordance with Annex C of the Agreement shall, in the exercise of their functions, and during their journeys to and from the place of meeting, enjoy the privileges and immunities referred to in paragraphs 1 (a), (b) and (c).

4. No Contracting Party shall be obliged to accord to its own nationals or to its own representatives the privileges and immunities referred to in paragraphs 1 and 2.