



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 3458 OF 15TH SEPTEMBER, 1949. SUBSIDIARY LEGISLATION.

No. 340.

THE DIPLOMATIC PRIVILEGES (EXTENSION) LAWS,
1947 AND 1948.

ORDER IN COUNCIL No. 2371

MADE UNDER SECTION 2.

A. B. WRIGHT,
Governor.

Whereas in accordance with section 37 of the International Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations (which Convention is set forth in the Schedule hereto), the International Labour Organization, on the 14th day of September, 1948, deposited with the Secretary-General of the United Nations the final text of the Annex to the said Convention which concerns the said Organization;

And whereas His Majesty's Government in the United Kingdom has, in accordance with section 41 of the said Convention, acceded to the said Convention in respect of the International Labour Organization, by depositing with the Secretary-General of the United Nations an instrument of accession;

And whereas by an Order of His Majesty made with the advice of His Privy Council dated the 28th day of January, 1949, the International Labour Organization was declared to be an organization of which His Majesty's Government in the United Kingdom and the Government of foreign sovereign Powers are members and provision was made for the privileges and immunities hereafter set out in this Order in respect of the said Organization:

Now, therefore, I, the Governor, in exercise of the powers vested in me by section 2 of the Diplomatic Privileges (Extension) Laws, 1947 and 1948, (hereinafter referred to as "the Law"), with the advice of the Executive Council, do hereby order as follows:—

1. This Order may be cited as the Diplomatic Privileges (International Labour Organization) Order, 1949.

A. THE ORGANIZATION.

2. The International Labour Organization is an organization of which His Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

3. The International Labour Organization shall have the legal capacities of a body corporate and except in so far as in any particular case it has expressly waived its immunity, immunity from suit and process. No waiver of immunity shall be deemed to extend to any measure of execution.

4. The International Labour Organization shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.

5. The International Labour Organization shall have 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.

6. The International Labour Organization shall have exemption from taxes on the importation of goods directly imported by the Organization for its official use in the Colony or for exportation, or on the importation of any of the publications of the Organization directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the revenue.

7. The International Labour Organization shall have 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.

8. The International Labour Organization shall have the right to avail itself, for telegraphic communications sent by it and containing only matters for publication by the press or for broadcasting (including communications addressed to or despatched from places outside the Colony), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES OF MEMBERS : MEMBERS OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE.

9.—(1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments, by the Governments whom they represent; and in the case of members and deputy members of the Governing Body of the International Labour Office and their substitutes, by the Governing Body, representatives of member Governments and the employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes shall enjoy:—

- (a) While exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents.
- (b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives or as members of the Governing Body of the International Labour Office, as the case may be.
- (c) While exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in the Colony during any period when they are present in the Colony whilst exercising their functions or during their journey to and from the place of meeting.

The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in the Colony.

(2) For the purpose of the application of this Order the expression "representatives of member Governments" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding paragraphs of this clause shall not confer any immunity or privilege upon any person as the representative of His Majesty's Government in the Colony or a member of the staff of such a representative or any person who is a British subject and who is not the representative of a Government of His Majesty other than His Majesty's Government in the Colony or a member of the staff of and accompanying any such representative.

C. HIGH OFFICIALS.

10. Except in so far as in any particular case any privilege or immunity is waived by the Organization, officers of the International Labour Organization holding the offices of Director-General, Deputy Director-General and Assistant Director-General shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organization.

D. PERSONS SERVING ON COMMITTEES OF OR EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANIZATION.

11. Except in so far as in any particular case any privilege is waived by the Organization, persons (other than officials of the Organization) serving on Committees of, or employed on missions on behalf of the International Labour Organization shall enjoy:—

- (a) While exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents relating to the work of the Organization;
- (b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the International Labour Organization.

E. OTHER OFFICIALS OF THE ORGANIZATION.

12. Except in so far as in any particular case any privilege or immunity is waived by the International Labour Organization, all officials of the Organization (other than those referred to in clause 10 above) shall enjoy:—

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties, and
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the International Labour Organization.

F. GENERAL.

13. The names of the persons to whom the provisions of clauses 9, 10, 11 and 12 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2 (3) of the Law, and such list shall show in regard to each person the date as from which, for the purposes of this Order, he first held the office or employment in question, and the date when he ceased to hold that office or employment.

SCHEDULE.

INTERNATIONAL CONVENTION ON PRIVILEGES AND IMMUNITIES FOR THE SPECIALIZED AGENCIES OF THE UNITED NATIONS ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21ST NOVEMBER, 1947.

Whereas the General Assembly of the United Nations adopted on 13th February, 1946 ⁽¹⁾, a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies:

⁽¹⁾ See *Resolutions adopted by the General Assembly during the first part of its first session, resolution No. 22 (1) D, page 33.*

Consequently, by a resolution 179 (II) adopted on 21st November, 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

ARTICLE I.

Definitions and scope.

Section 1.

In this Convention :

(i) The words "standard clauses" refer to the provisions of Articles II to IX.

(ii) The words "specialized agencies" mean :—

(a) The International Labour Organization ;

(b) The Food and Agriculture Organization of the United Nations ;

(c) The United Nations Educational, Scientific and Cultural Organization ;

(d) The International Civil Aviation Organization ;

(e) The International Monetary Fund ;

(f) The International Bank for Reconstruction and Development ;

(g) The World Health Organization ;

(h) The Universal Postal Union ;

(i) The International Telecommunications Union ; and

(j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.

(iii) The word "Convention" means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.

(iv) For the purposes of article III, the words "property and assets" shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.

(v) For the purposes of articles V and VII, the expression "representatives of members" shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations.

(vi) In sections 13, 14, 15 and 25, the expression "meetings convened by a specialized agency" means meetings : (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution ; (3) of any international conference convened by it ; and (4) of any committee of any of these bodies.

(vii) The term "executive head" means the *principal executive official* of the specialized agency in question, whether designated "Director-General" or otherwise.

Section 2.

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connexion with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

ARTICLE II.

Juridical personality.

Section 3.

The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

ARTICLE III.

*Property, funds and assets.**Section 4.*

The specialized agencies, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5.

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

Section 6.

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

Section 7.

Without being restricted by financial controls, regulations or moratoria of any kind :

- (a) The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency.
- (b) The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.

Section 8.

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

Section 9.

The specialized agencies, their assets, income and other property shall be :

- (a) Exempt from all direct taxes ; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;
- (b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use ; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country ;
- (c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

Section 10.

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE IV.

*Facilities in respect of communications.**Section 11.*

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 12.

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

ARTICLE V.

*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.

ARTICLE VI.

*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.

Section 23.

Each specialized 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.

*Abuses of privilege.**Section 24.*

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

Section 25.

1. Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

2.—(i) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(ii) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

ARTICLE VIII.

*Laissez-passer.**Section 26.*

Officials of the specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue laissez-passer may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded.

Section 27.

States parties to this Convention shall recognize and accept the United Nations laissez-passer issued to officials of the specialized agencies as valid travel documents.

Section 28.

Applications for visas, where required, from officials of specialized agencies holding United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 29.

Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of a specialized agency.

Section 30.

The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations laissez-passer on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

ARTICLE IX.

*Settlement of disputes.**Section 31.*

Each specialized agency shall make provisions for appropriate modes of settlement of—

- (a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party ;
- (b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

Section 32.

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

ARTICLE X.

*Annexes and application to individual specialized agencies.**Section 33.*

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

Section 34.

The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

Section 35.

Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

Section 36.

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

Section 37.

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

Section 38.

If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

Section 39.

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

Section 40.

It is understood that the standard clauses, as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that

instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

ARTICLE XI.

Final provisions.

Section 41.

Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.

Section 42.

Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.

Section 43.

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

Section 44.

This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with section 43.

Section 45.

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

Section 46.

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

Section 47.

1. Subject to the provisions of paragraphs 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

2. Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

3. Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4. The Secretary-General of the United Nations shall inform all member States parties to this Convention of any notification transmitted to him under the provisions of this section.

Section 48.

At the request of one-third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

Section 49.

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.

ANNEX I.

INTERNATIONAL LABOUR ORGANIZATION.

In their application to the International Labour Organization the standard clauses shall operate subject to the following provisions:—

1. Article V (other than paragraph (c) of section 13) and section 25, paragraphs 1 and 2 (i), of Article VII shall extend to the Employers' and Workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes; except that any waiver of the immunity of any such person member under section 16 shall be by the Governing Body.

2. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the International Labour Office and any Assistant Director-General of the International Labour Office.

3.—(i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization 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 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 of 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 Organization;

- (c) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions ;
 - (d) inviolability of their papers and documents relating to the work on which they are engaged for the Organization.
- (ii) In connexion with (d) of 3 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.
- (iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization 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 it can be waived without prejudice to the interests of the Organization.

ANNEX II.

FOOD AND AGRICULTURE ORGANIZATION.

In their application to the Food and Agriculture Organization of the United Nations (hereinafter called " the Organization ") the standard clauses shall operate subject to the following provisions :—

1. Article V and section 25, paragraphs 1 and 2 (i), of Article VII shall extend to the Chairman of the Council of the Organization, except that any waiver of the immunity of the Chairman under section 16 shall be by the Council of the Organization.

2.—(i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization 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 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 of 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 Organization ;
- (c) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions ;
- (d) inviolability of their papers and documents relating to the work on which they are engaged for the Organization ;

(ii) In connexion with (d) of 2 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any experts in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

3. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the Organization.

ANNEX III.

INTERNATIONAL CIVIL AVIATION ORGANIZATION.

In their application to the International Civil Aviation Organization (hereinafter called "the Organization") the standard clauses shall operate subject to the following provisions:—

1. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the President of the Council of the Organization.

2.—(i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization 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 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 of 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 Organization;
- (c) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
- (d) inviolability of their papers and documents relating to the work on which they are engaged for the Organization.

(ii) In connexion with (d) of 2 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization 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 it can be waived without prejudice to the interests of the Organization.

ANNEX IV.

THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.

The standard clauses shall operate in respect to the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Organization") subject to the following provisions:—

1. Article V and section 25, paragraphs 1 and 2 (i) of Article VII shall extend to the President of the Conference and members of the Executive Board of the Organization, their substitutes and advisers except that any waiver of the immunity of any such person of the Executive Board under section 16, shall be by the Executive Board.

2. The Deputy Director-General of the Organization, his spouse and minor children shall also enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law, which Article VI, section 21, of the Convention, ensures to the Executive Head of each Specialized Agency.

3.—(i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization 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 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 of 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 Organization ;
- (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions.

(ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

ANNEX VII.

WORLD HEALTH ORGANIZATION.

In their application to the World Health Organization (hereinafter called "the Organization") the standard clauses shall operate subject to the following modifications :—

1. Article V and section 25, paragraphs 1 and 2 (i), of Article VII shall extend to persons designated to serve on the Executive Board of the Organization, their alternates and advisers, except that any waiver of the immunity of any such persons under section 16 shall be by the Board.

2.—(i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization 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 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 of 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 Organization ;
- (c) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions ;
- (d) inviolability for all papers and documents ;
- (e) the right to use codes and to receive documents and correspondence by courier or in sealed despatch bags for their communications with the World Health Organization.

(ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization 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 it can be waived without prejudice to the interests of the Organization.

ANNEX X.

THE INTERNATIONAL REFUGEE ORGANIZATION.

The standard clauses shall apply without modification.

Note. Only those Annexes the texts of which have been adopted by the appropriate specialized agency are here published.

Ordered in Council, this 6th day of September, 1949.

I. LL. PHILLIPS,

Clerk of the Executive Council.

(M.P. 668/46/2.)

No. 341.

THE DIPLOMATIC PRIVILEGES (EXTENSION) LAWS,
1947 AND 1948.

ORDER IN COUNCIL No. 2372

MADE UNDER SECTION 2.

A. B. WRIGHT,

Governor.

Whereas in accordance with section 37 of the International Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations (which Convention is set forth in the Schedule to the Diplomatic Privileges (International Labour Organization) Order, 1949), the Food and Agriculture Organization, on the 13th day of December, 1948, deposited with the Secretary-General of the United Nations the final text of the Annex to the said Convention which concerns the said Organization ;

Gazette :
Suppl. No. 3 :
15.9.1949

And whereas His Majesty's Government in the United Kingdom has, in accordance with section 41 of the said Convention, acceded to the said Convention in respect of the Food and Agriculture Organization, by depositing with the Secretary-General of the United Nations an instrument of accession ;

And whereas by an Order of His Majesty made with the advice of His Privy Council dated the 29th day of April, 1949, the Food and Agriculture Organization was declared to be an organization of which His Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members and provision was made for the privileges and immunities hereafter set out in this Order in respect of the said Organization ;

Now, therefore, I, the Governor, in exercise of the powers vested in me by section 2 of the Diplomatic Privileges (Extension) Laws, 1947 and 1948, (hereinafter referred to as "the Law"), with the advice of the Executive Council, do hereby order as follows :—

1. This Order may be cited as the Diplomatic Privileges (Food and Agriculture Organization) Order, 1949.

A. THE ORGANIZATION.

2. The Food and Agriculture Organization (hereinafter referred to as "the Organization") is an organization of which His Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

3. The Organization shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.