

Chapter 87.

***International Organizations (Privileges and Immunities) Act 1975.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 87.

*International Organizations (Privileges and Immunities) Act 1975.*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

*International Organizations (Privileges and Immunities) Act 1975,*

Being an Act relating to the privileges and immunities of certain international organizations and of persons connected with those organizations, and for related purposes.

1. **INTERPRETATION.**

(1) In this Act, unless the contrary intention appears—

“**association**” means an association or other body or group of persons, whether incorporated or not;

“**envoy**” means an envoy of a foreign sovereign power accredited to Papua New Guinea;

“**international conference**” means a conference that is attended by—

- (a) a person or persons representing Papua New Guinea; and
- (b) a person or persons representing a country or countries other than Papua New Guinea;

“**international organization to which this Act applies**” means an organization that is declared by the regulations to be an international organization to which this Act applies, and includes—

- (a) an organ of, or an office within, an organization that is so declared; and
- (b) a commission, council or other body established by such an organization or organ; and
- (c) a committee, or a sub-committee of a committee, of such an organization, organ, commission, council or body;

“**the regulations**” means any regulations made under this Act;

**“this Act”** includes the regulations.

(2) For the purposes of this Act, a person who is, or has been during any period, a member of an organ of an international organization to which this Act applies but is not, or has not been during that period, accredited to that organ as a representative of a country shall be deemed to be, or to have been during that period, as the case may be, so accredited as a representative of the country of which he is a national.

(3) For the purposes of this Act—

- (a) an alternate or deputy of, or a substitute for, a representative of a country; and
- (b) an adviser to, or an expert assisting, such a representative,

shall each be deemed to be a member of the official staff of the representative.

(4) References in this Act to countries shall be read as including references to the governments of countries.

## **2. INTERNATIONAL ORGANIZATIONS TO WHICH ACT APPLIES.**

The regulations may declare an organization—

- (a) of which Papua New Guinea and a country or countries other than Papua New Guinea are members; or
- (b) that is constituted by a person or persons representing Papua New Guinea and a person or persons representing a country or countries other than Papua New Guinea,

to be an international organization to which this Act applies.

## **3. PRIVILEGES AND IMMUNITIES OF CERTAIN INTERNATIONAL ORGANIZATIONS, ETC.**

(1) Subject to this section, the regulations may, without restriction or to the extent or subject to the conditions prescribed by the regulations—

- (a) confer on an international organization to which this Act applies—
  - (i) juridical personality and such legal capacities as are necessary for the exercise of the powers and the performance of the functions of the organization; and
  - (ii) all or any of the privileges and immunities specified in Schedule 1; and
- (b) confer on—
  - (i) a person who holds, or is performing the duties of, an office prescribed by the regulations to be a high office in an international organization to which this Act applies all or any of

the privileges and immunities specified in Part I. of Schedule 2;  
and

(ii) a person who has ceased to hold, or perform the duties of, such an office the immunities specified in Part II. of Schedule 2; and

(c) confer on—

(i) a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a representative of a country other than Papua New Guinea all or any of the privileges and immunities specified in Part I. of Schedule 3; and

(ii) a person who has ceased to be accredited to such an organization, or has attended such a conference, as such a representative the immunities specified in Part II. of Schedule 3; and

(d) confer on—

(i) a person who holds an office in an international organization to which this Act applies (not being an office prescribed by the regulations to be a high office) all or any of the privileges and immunities specified in Part I. of Schedule 4; and

(ii) a person who has ceased to hold such an office the immunities specified in Part II. of Schedule 4; and

(e) confer on—

(i) a person who is serving on a committee, or is participating in the work, of an international organization to which this Act applies or is performing, whether alone or jointly with other persons, a mission on behalf of such an organization all or any of the privileges and immunities specified in Part I. of Schedule 5; and

(ii) a person who has served on such a committee or participated in such work or has performed such a mission the immunities specified in Part II. of Schedule 5.

(2) Regulations made for the purposes of this section may be of general application or may relate to—

(a) particular international organizations to which this Act applies; or

(b) particular offices or classes of offices; or

(c) particular conferences, committees or missions or classes of conferences, committees or missions; or

(d) representatives of particular countries.

(3) Where by the regulations any privileges or immunities are conferred on a person who is accredited to, or is in attendance at, an international conference convened by an international organization to which this Act applies as a

representative of a country other than Papua New Guinea, that person is entitled to the same privileges and immunities—

- (a) while travelling to a place for the purpose of—
  - (i) presenting his credentials; or
  - (ii) attending the conference; and
- (b) while returning from a place after—
  - (i) ceasing to be so accredited; or
  - (ii) attending the conference.

(4) Where by the regulations any privileges or immunities are conferred on a person who is—

- (a) serving on a committee or participating in the work of an international organization to which this Act applies; or
- (b) performing, whether alone or jointly with other persons, a mission on behalf of such an organization,

that person is entitled to the same privileges and immunities—

- (c) while travelling to a place for the purpose of—
  - (i) serving on the committee; or
  - (ii) participating in that work; or
  - (iii) performing the mission; and
- (d) while returning from a place after—
  - (i) serving on the committee; or
  - (ii) participating in that work; or
  - (iii) performing the mission.

(5) Subject to Subsection (6), where by the regulations or by Subsection (3) any privileges or immunities are conferred on a person who is or has been a person accredited to, or in attendance at, an international conference convened by an international organization to which this Act applies as a representative of a country other than Papua New Guinea, a person who is, or has been during any period, a member of the official staff of the first-mentioned person is entitled, in respect of that period, to the same privileges and immunities.

(6) A person who is, or has been, a representative of a country other than Papua New Guinea or a member of the official staff of such a representative during a period when he is or was a citizen of Papua New Guinea is not entitled under this section or the regulations to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.



**4. PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES ON MISSIONS IN PAPUA NEW GUINEA.**

(1) Where—

- (a) an international conference is, or is to be, held in Papua New Guinea; or
- (b) a mission is, or is to be, sent by a country other than Papua New Guinea to Papua New Guinea,

and it appears to the Head of State, acting on advice, that the provisions of this Act, other than this section, do not, or may not, apply in relation to that conference or mission but that it is desirable that diplomatic privileges and immunities should be applicable in relation to that conference or mission, the regulations may declare the conference or mission, as the case may be, to be a conference or mission to which this section applies.

(2) Subject to Subsection (3), where a conference or mission has been declared by the regulations to be a conference or mission to which this section applies—

- (a) a person who is, or has been, a representative of a country other than Papua New Guinea at the conference or on the mission is, in respect of the period during which he is, or has been, such a representative, entitled to the privileges and immunities accorded to an envoy; and
- (b) a person who is, or has been, a member of the official staff of a person referred to in Paragraph (a) during the whole or any part of the period specified in that paragraph is entitled to the privileges and immunities accorded to a member of the retinue of an envoy in respect of that period or that part of that period, as the case may be; and
- (c) in the case of an international conference—a person who is, or has been, a member of the secretariat established for the purposes of the conference is entitled to immunity from suit and from other legal process in respect of acts and things done in his capacity as such a member.

(3) A person who is, or has been, in attendance at an international conference, or engaged on a mission, to which this section applies, as a representative, or as a member of the official staff of a representative, of a country other than Papua New Guinea during a period when he is or was a citizen of Papua New Guinea is not entitled under Subsection (2) to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

**5. WITHDRAWAL OF PRIVILEGES AND IMMUNITIES WHERE NO RECIPROCITY.**

(1) Where the Minister is satisfied that persons, or members of the official staffs of persons, representing Papua New Guinea at an international conference in a country would not receive in that country privileges and immunities corresponding to those conferred in Papua New Guinea by this Act on persons, or on members of the

official staffs of persons, representing that country, the Minister may, by instrument, withdraw from the representatives, or from the members of the official staffs of the representatives, of that country, all or any of those privileges and immunities.

(2) The Minister shall cause an instrument under Subsection (1) to be published in the National Gazette.

## **6. PRIVILEGES AND IMMUNITIES OF JUDGES, ETC., OF THE INTERNATIONAL COURT OF JUSTICE.**

The regulations may confer on—

- (a) the judges, assessors and officials of the International Court of Justice established by the Charter of the United Nations; and
- (b) persons engaged on missions by order of that Court; and
- (c) the agents, advocates and counsel of countries that are parties in cases before that Court; and
- (d) witnesses in cases before that Court,

such privileges and immunities as are required to give effect to the Statute of that Court, and such privileges and immunities in respect of acts and things done in the course of the performance of their functions in connection with the business of that Court as are required to give effect to any resolution of, or convention or agreement approved by, the General Assembly of the United Nations.

## **7. WAIVER.**

The regulations may make provision for or in relation to the waiver of any privileges or immunities to which an international organization or person is entitled by virtue of this Act.

## **8. CERTIFICATES BY MINISTER.**

(1) The Minister may give a written certificate certifying any fact relating to the question whether a person is, or was at any time or in respect of any period, entitled to any privileges or immunities under this Act.

(2) In any proceedings, a certificate under this section is evidence of the facts certified.

## **9. PROTECTION OF NAMES, ETC., OF INTERNATIONAL ORGANIZATIONS.**

(1) Except with the written consent of the Minister, a person who—

- (a) uses the name, or an abbreviation of the name, of an international organization to which this Act applies in connection with a trade, business, profession, calling or occupation; or
- (b) uses—

- (i) a seal, emblem or device that is identical with the official seal or emblem of an international organization to which this Act applies; or
- (ii) a seal, emblem or device so nearly resembling the official seal or emblem of such an organization as to be capable of being mistaken for that seal or emblem; or
- (iii) a seal, emblem or device that is capable of being taken to be the official seal or emblem of such an organization,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Where, without the written consent of the Minister, the name, or an abbreviation of the name, of an international organization to which this Act applies, or a seal, emblem or device referred to in Subsection (1)(b)–

- (a) is used as, or as part of, the name, seal or emblem of an association; or
- (b) is used as, or as part of, the name or emblem of a newspaper or magazine owned by, or published by or on behalf of, an association; or
- (c) is used by an association in connection with any activity of the association so as to imply that the association is in any way connected with that organization,

then–

- (d) if the association is a corporation–the association; or
- (e) if the association is not a corporation–every member of the governing body of the association,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) A person shall not be convicted of an offence against this section in respect of the use of an abbreviation of the name of an international organization to which this Act applies if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connection with the organization, unless the prosecution proves that the use was intended to imply such a connection.

(4) The conviction of a person of an offence against this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the conviction.

(5) For the purposes of this section–

- (a) any combination of words or letters, or of both words and letters, that is capable of being understood as referring to an international organization to which this Act applies shall be deemed to be an abbreviation of the name of that organization; and

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- (b) if a seal or emblem is declared by the regulations to be the official seal or emblem of an international organization to which this Act applies, that seal or emblem shall be taken to be the official seal or emblem of that organization.

(6) Proceedings under this section shall not be instituted without the written consent of the Minister.

**10. REGULATIONS.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**SCHEDULE 1 – PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATION.**

Sec. 3.

1. Immunity of the organization, and of the property and assets of, or in the custody of, or administered by, the organization, from suit and from other legal process.
2. Inviolability of property and assets of, or in the custody of, or administered by, the organization and of premises of, or occupied by, the organization.
3. Exemption of property and assets of, or in the custody of, or administered by, the organization from restrictions and controls.
4. Inviolability of archives.
5. Exemption from currency and exchange restrictions.
6. Exemption from duties on the importation or exportation of—
  - (a) goods imported or exported by the organization for its official use; and
  - (b) publications of the organization imported or exported by it.
7. Exemption of the organization from the liability to pay or collect taxes other than duties on the importation or exportation of goods and of the income, property, assets and transactions of the organization from such taxes.
8. Exemption from taxes of obligations and securities issued or guaranteed by the organization and of interest and dividends on those obligations and securities.
9. Exemption from prohibitions and restrictions on the importation or exportation of—
  - (a) goods imported or exported by the organization for its official use; and
  - (b) publications of the organization imported or exported by it.
10. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Papua New Guinea), of any reduced rates applicable in relation to telegraphic communications by the press.
11. Absence of censorship for official correspondence and other official communications.
12. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags and to have any such couriers or bags treated as diplomatic couriers or diplomatic bags, as the case may be.

**SCHEDULE 2**

Sec. 3.

**PART I – PRIVILEGES AND IMMUNITIES OF HIGH OFFICER OF  
INTERNATIONAL ORGANIZATION.**

The same privileges and immunities (including privileges and immunities in respect of a spouse and children under the age of 21 years) as are accorded to an envoy.

**PART II – IMMUNITIES OF FORMER HIGH OFFICER OF INTERNATIONAL  
ORGANIZATION.**

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

**SCHEDULE 3**

Sec. 3.

**PART I – PRIVILEGES AND IMMUNITIES OF REPRESENTATIVE ACCREDITED TO, OR ATTENDING CONFERENCE CONVENED BY, INTERNATIONAL ORGANIZATION.**

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.
3. Inviolability of papers and documents.
4. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption (including exemption of the spouse of the representative) from the application of laws relating to immigration, the registration of aliens and the obligation to perform national service.
6. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.
7. The same privileges and immunities, not being privileges and immunities of a kind referred to in any of the preceding paragraphs, as are accorded to an envoy, other than exemption from—
  - (a) excise duties; and
  - (b) sales taxes; and
  - (c) duties on the importation or exportation of goods not forming part of personal baggage.

**PART II – IMMUNITIES OF FORMER REPRESENTATIVE ACCREDITED TO, OR ATTENDING CONFERENCE CONVENED BY, INTERNATIONAL ORGANIZATION.**

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.

**SCHEDULE 4**

Sec. 3.

**PART I – PRIVILEGES AND IMMUNITIES OF OFFICER (OTHER THAN HIGH OFFICER) OF INTERNATIONAL ORGANIZATION.**

1. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.
2. Exemption from taxation on salaries and emoluments received from the organization.
3. Exemption (including exemption of a spouse and any dependent relatives) from the application of laws relating to immigration and the registration of aliens.
4. Exemption from the obligation to perform national service.
5. Exemption from currency or exchange restrictions to such extent as is accorded to an official, of comparable rank, forming part of a diplomatic mission.
6. The same repatriation facilities (including repatriation facilities for a spouse and dependent relatives) in time of international crisis as are accorded to an envoy.
7. The right to import furniture and effects free of duties when first taking up a post in Papua New Guinea and to export furniture and effects free of duties when leaving Papua New Guinea on the termination of his functions.

**PART II – IMMUNITIES OF FORMER OFFICER (OTHER THAN HIGH OFFICER) OF INTERNATIONAL ORGANIZATION.**

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.



**SCHEDULE 5**

Sec. 3.

**PART I – PRIVILEGES AND IMMUNITIES OF PERSON SERVING ON COMMITTEE OR PARTICIPATING IN WORK OF, OR PERFORMING MISSION ON BEHALF OF, INTERNATIONAL ORGANIZATION.**

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.
3. Inviolability of papers and documents.
4. The right, for the purpose of communicating with the organization, to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.
6. The same privileges and immunities in respect of personal baggage as are accorded to an envoy.

**PART II – IMMUNITIES OF PERSON WHO HAS SERVED ON COMMITTEE OR PARTICIPATED IN WORK OF, OR PERFORMED MISSION ON BEHALF OF, INTERNATIONAL ORGANIZATION.**

Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.

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