

Chapter 88.
United Nations and Specialized Agencies (Privileges and Immunities) Act
1975.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 88.

United Nations and Specialized Agencies (Privileges and Immunities) Act
1975.

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3. Privileges and immunities.
4. Evidence.

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“Specialized Agency”
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7. Privileges and immunities.
8. Evidence.

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SCHEDULE 1 – Convention on the Privileges and Immunities of the United Nations.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

***United Nations and Specialized Agencies (Privileges and Immunities) Act
1975,***

Being an Act relating to the privileges and immunities of the United Nations and the Specialized Agencies, and for other purposes.

PART I. – PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.

1. INTERPRETATION OF PART I.

In this Part, “**the Convention**” means the General Convention on the Privileges and Immunities of the United Nations which was adopted by the General Assembly of the United Nations on 13 February 1946 and a copy of which is set out in Schedule 1.

2. JURIDICAL STATUS OF UNITED NATIONS.

(1) The United Nations–

(a) is a corporation with perpetual succession; and

(b) has the capacity to contract; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

(2) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the United Nations affixed to a document and shall presume that it was duly affixed.

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3. PRIVILEGES AND IMMUNITIES.

The United Nations or a person in relation to whom the Convention applies has the privileges and immunities applicable under the Convention to the United Nations or that person, as the case may be, in Papua New Guinea.

4. EVIDENCE.

A certificate under the hand of the Minister certifying that, on a specified date or during a specified period—

- (a) a specified country was a Member of the United Nations; or
- (b) a specified body was a principal or subsidiary organ of the United Nations; or
- (c) a specified conference was a conference convened by the United Nations; or
- (d) a specified person was—
 - (i) a representative of a Member of the United Nations to an organ of THE United Nations or a conference convened by the United Nations; or
 - (ii) included in a category of officials of the United Nations to which Articles V and VII of the Convention applied; or
 - (iii) an expert (other than an official coming within the scope of Article V of the Convention) performing a mission for the United Nations,

is evidence of the matter so certified.

PART II. – PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.

5. INTERPRETATION OF PART II.

¹In this Part, unless the contrary intention appears—

“Specialized Agency” means—

- (a) the International Labour Organization; or
- (b) the Food and Agriculture Organization of the United Nations; or
- (c) the International Civil Aviation Organization; or
- (d) the United Nations Educational, Scientific and Cultural Organization; or
- (e) the International Monetary Fund; or
- (f) the International Bank for Reconstruction and Development; or
- (g) the World Health Organization; or
- (h) the Universal Postal Union; or
- (i) the International Telecommunications Union; or
- (j) the World Meteorological Organization; or
- (k) the Inter-Governmental Maritime Consultative Organization; or
- (l) the International Finance Corporation; or
- (m) the International Development Association; or
- (n) the United Nations Development Programme;

“the Convention” means the Convention, a copy of which is set out in Schedule 2, as modified by the Annexes set out in that Schedule.

6. JURIDICAL STATUS OF SPECIALIZED AGENCIES.

(1) Each Specialized Agency—

- (a) is a corporation with perpetual succession; and
- (b) has the capacity to contract; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

(2) All courts, Judges and persons acting judicially shall take judicial notice of the seal of a Specialized Agency affixed to a document and shall presume that it was duly affixed.

¹ Section 5 amended by No. 17 of 1981, s1.

7. PRIVILEGES AND IMMUNITIES.

²(1)³ ⁴Each Specialized Agency and each person in relation to whom the Convention applies has the privileges and immunities applicable under the Convention (other than those referred to in Section 11 of the Convention) to that specialized agency or that person, as the case may be, or such privileges and immunities as the Head of State, acting on advice, by regulation determines in Papua New Guinea.

(1A) The Minister may grant to persons performing services on behalf of a Specialized Agency the privileges and immunities applicable to a person under Subsection (1).

(1B) For the purposes of Subsection (1A), the expression “**persons performing services**” has the same meaning that it has in the United Nations Development Programme Standard Basic Agreement.

(2) A Specialized Agency has 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 Papua New Guinea), of the reduced rates applicable for the despatch of press telegrams.

8. EVIDENCE.

A certificate under the hand of the Minister certifying that, on a specified date or during a specified period—

- (a) a specified State, country or Government was a Member of a Specialized Agency; or
- (b) a specified meeting was a meeting convened by a Specialized Agency or a meeting within the meaning of Section 1(vi) of the Convention; or
- (c) a specified person was—
 - (i) a representative of a Member of a Specialized Agency at a meeting referred to in Paragraph (b); or
 - (ii) included in a category of officials of a Specialized Agency to which Articles VI and VIII of the Convention applied; or
 - (iii) on the grounds stated in the certificate, a person entitled under the Convention to privileges and immunities applicable under the Convention,

is evidence of the matter so certified.

² Section 7 amended by No. 17 of 1981, s2.

³ Section 7(1) amended by No. 36 of 1977.

⁴ Section 7(1) amended by No. 36 of 1977.

PART III. – MISCELLANEOUS.

9. PROTECTION OF NAMES, ETC.

(1) Except with the consent in writing of the Minister, a person must not–

- (a) use the name or an abbreviation of the name of the United Nations or a Specialized Agency in connection with a trade, business, profession, calling or occupation; or
- (b) use–
 - (i) a seal, emblem or device that is identical with the official seal or emblem of the United Nations or a Specialized Agency; or
 - (ii) a seal, emblem or device so nearly resembling the official seal or emblem of the United Nations or a Specialized Agency 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 the United Nations or a Specialized Agency.

Penalty: A fine not exceeding K100.00.

(2) Where, without the consent in writing of the Minister, the name or an abbreviation of the name of the United Nations or a Specialized Agency, 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 the United Nations or a Specialized Agency 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.

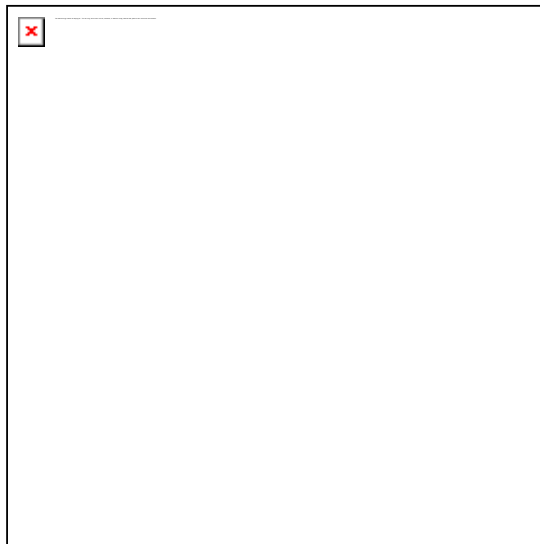
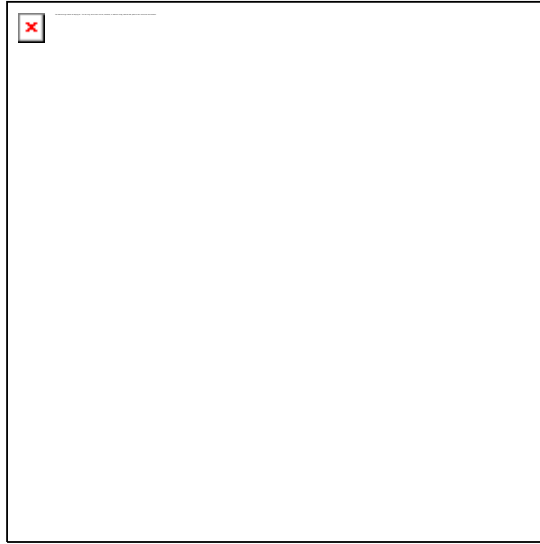
(4) The conviction of a person of an offence against this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a

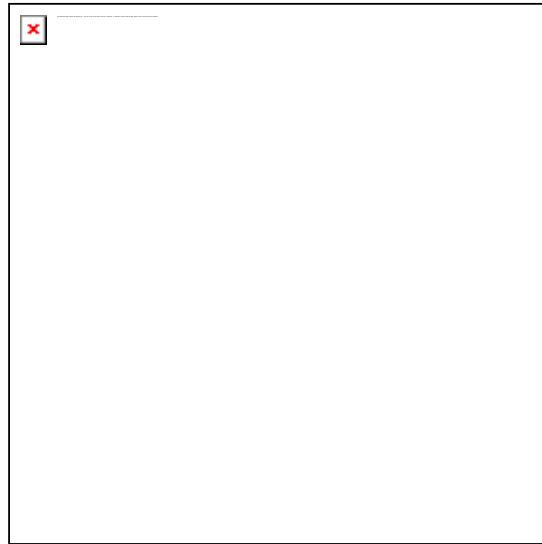
**SCHEDULE 1 – CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF
THE UNITED NATIONS.**

Sec. 1.

CONVENTION



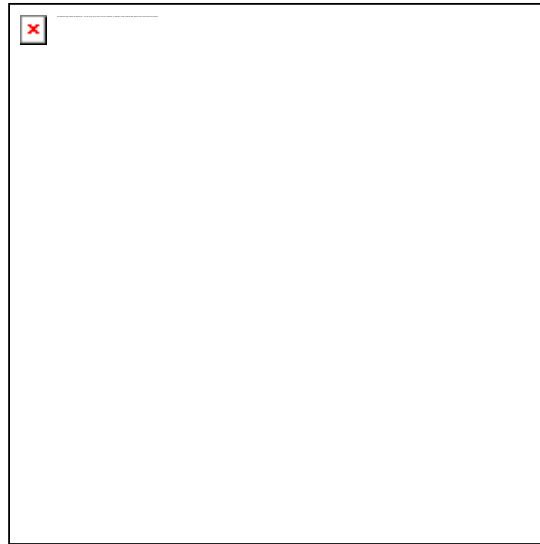


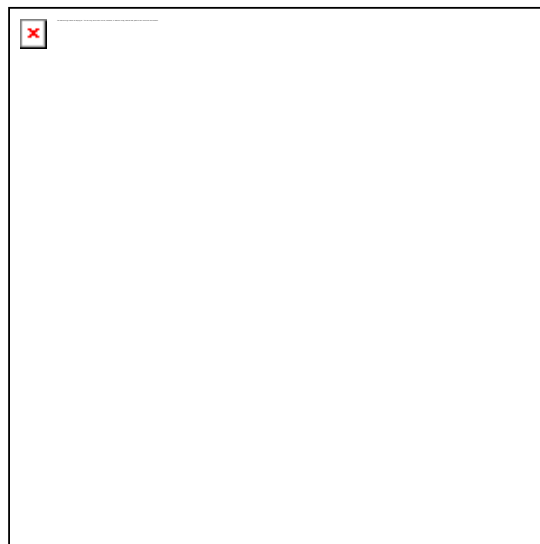
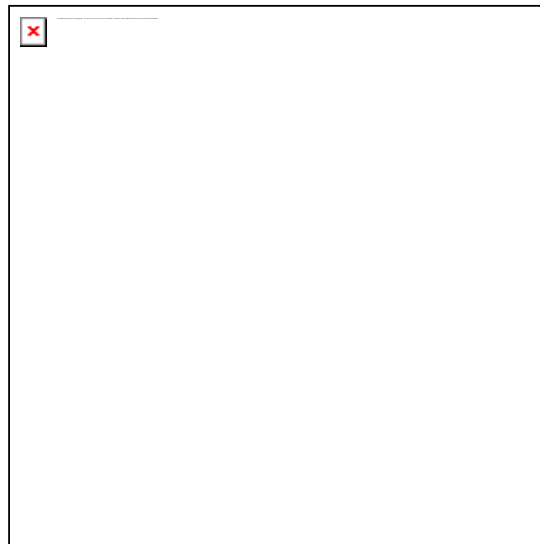
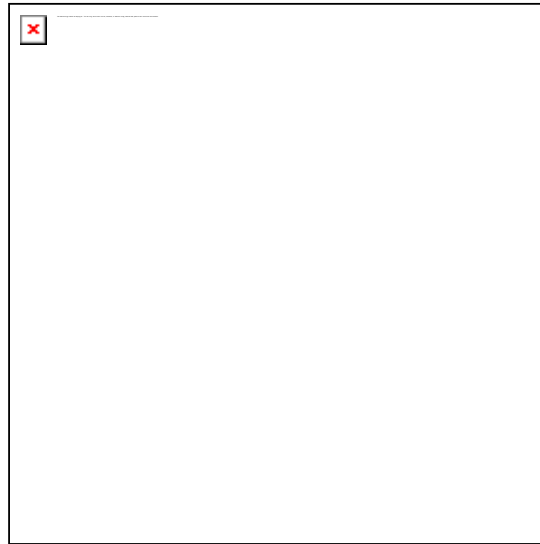


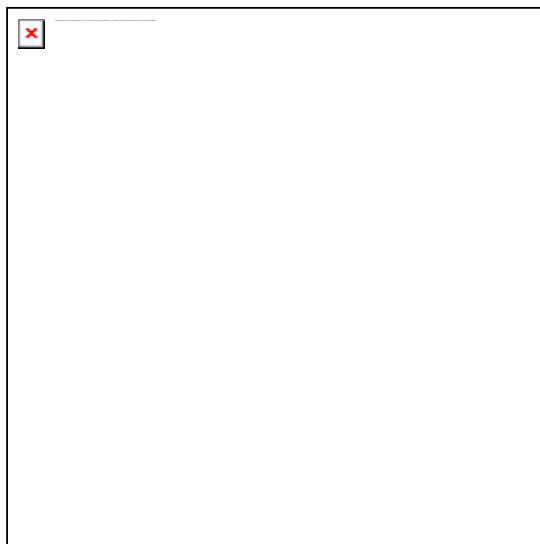
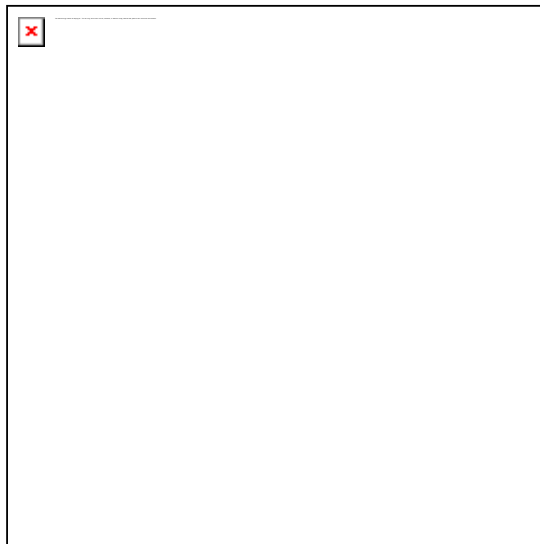
**SCHEDULE 2 – CONVENTION OF THE PRIVILEGES AND IMMUNITIES OF
THE SPECIALIZED AGENCIES.**

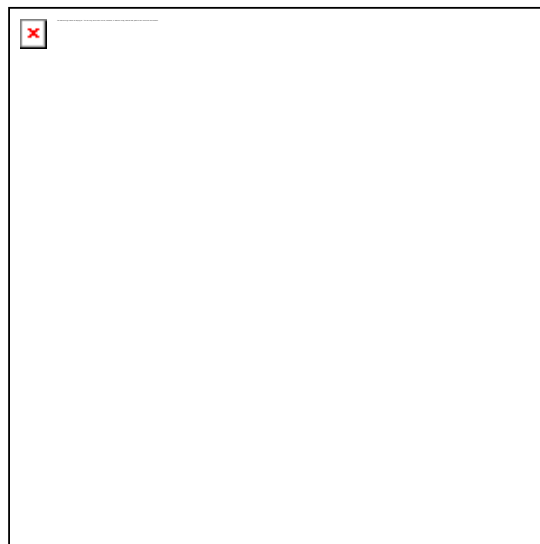
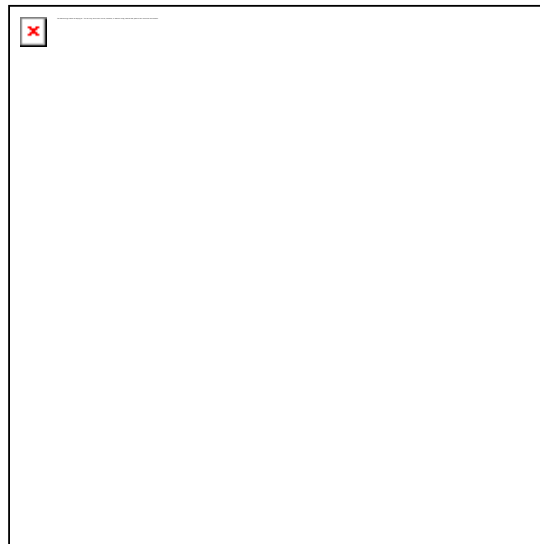
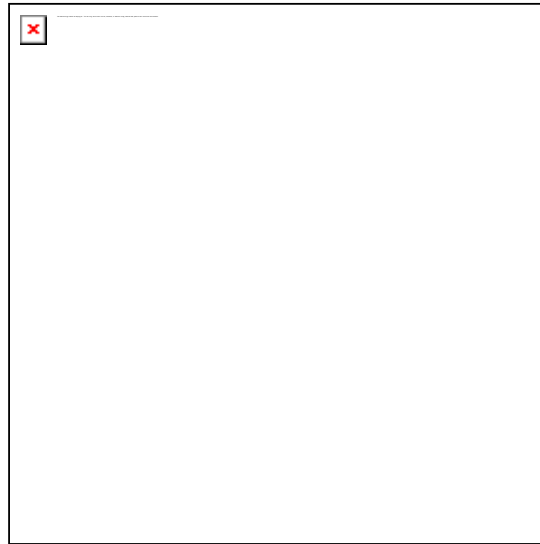
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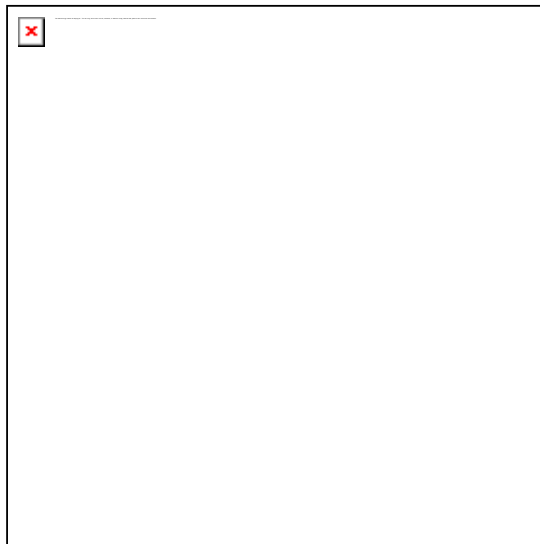
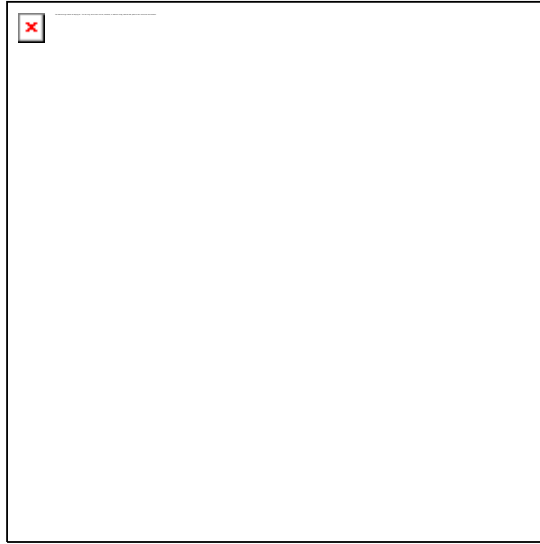
CONVENTION

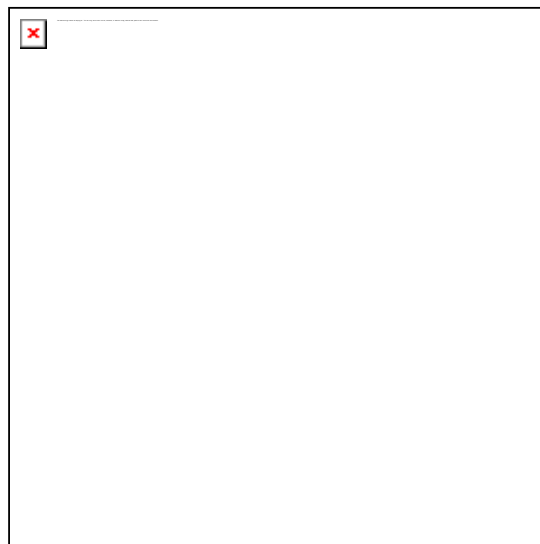
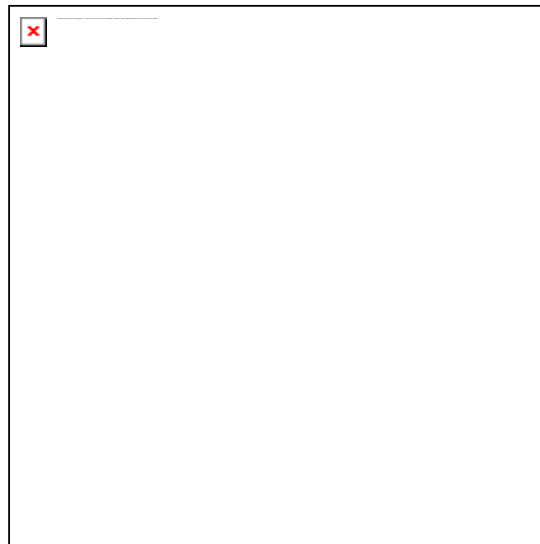
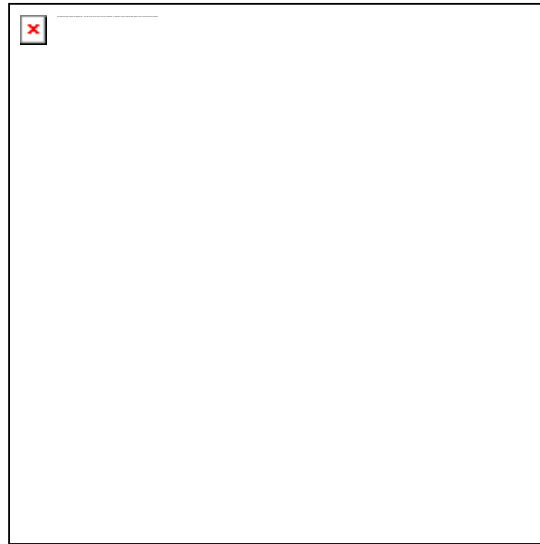






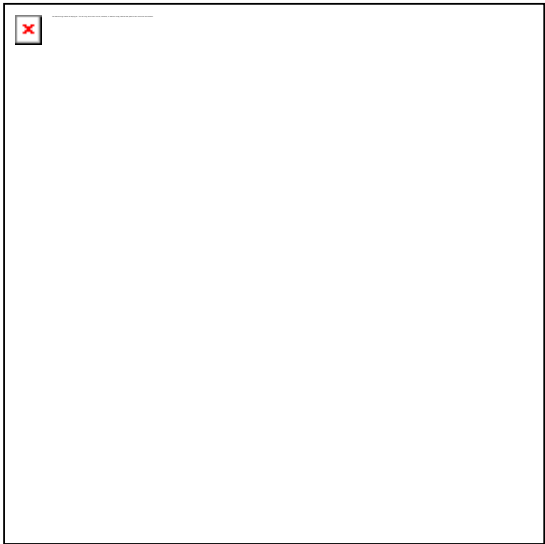






Sch. 2

United Nations and Specialized Agencies (Privileges and Immunities)
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