Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



Number 8 *of* 1967

DIPLOMATIC RELATIONS AND IMMUNITIES ACT 1967

REVISED

Updated to 28 April 2026

This Revised Act is an administrative consolidation of the *Diplomatic Relations and Immunities Act 1967*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Health Information Act 2026* (10/2026), enacted 30 April 2026, and all statutory instruments up to and including the *International Claims Commission for Ukraine (Privileges and Immunities) Order 2026* (S.I. No. 190 of 2026), made 28 April 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 8 *of* 1967

DIPLOMATIC RELATIONS AND IMMUNITIES ACT 1967

REVISED

Updated to 28 April 2026

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title.
2. The Minister.
2A. Application of International Criminal Court Act 2006.
3. Laying of orders before Houses of the Oireachtas.
4. Repeals.

PART II

VIENNA CONVENTIONS ON DIPLOMATIC RELATIONS AND CONSULAR RELATIONS

5. Vienna Convention on Diplomatic Relations to have force of law.
6. Vienna Convention on Consular Relations to have force of law.

PART III

GENERAL CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

7. Definitions (Part III).
8. Legal capacity of United Nations.
9. General immunities of Organisation under Convention.
10. General immunities of judges and certain officials of Court.
11. Exemption from income tax of judges of Court.
12. General immunities of advocates appearing before Court.
13. General immunities of witnesses at and persons performing duties assigned to them by Court.
14. General immunities of officials of Court.
15. Waiver of immunities connected with Court.

PART IV

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALISED AGENCIES OF THE UNITED NATIONS

16. Definitions (Part IV).
17. Designation of organisations to which this Part applies.
18. Amendment of annex to Convention.
19. Legal capacity of organisation to which this Part applies.
20. General immunities of organisations to which this Part applies under Convention.

PART V

GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE

21. Definitions (Part V).
21A. Construction of certain references in Third Protocol.
22. Legal capacity of Council of Europe.
23. General immunities under Agreement in relation to Council of Europe.
24. General immunities of members of Commission.
24A. General immunities in relation to Bank.
25. General immunities of judges and registrars of Court.

PART VI

ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

26. The Organisation (Part VI).
27. Legal capacity of Organisation.
28. General immunities of experts of Organisation.
29. General immunities under Agreement in relation to Organisation.
30. Waiver of privileges.
31. European Monetary Agreement.

PART VII

INTERNATIONAL COUNCILS

32. The Council (Part VII).
33. Legal capacity of Council.
34. General immunities under Agreement in relation to Council.
35. General immunities of experts of Council.
36. Waiver of privileges.
37. Legal capacity of International Wheat Council.
38. Legal capacity of International Sugar Council.

PART VIII

GENERAL

39. Organisation to which this Part applies (Part VIII).
40. Designation of organisations to which this Part applies.
41. Legal capacity of organisation to which this Part applies.
42. General immunities of organisation to which this Part applies.
42A. Immunities under international agreements.
43. Provisions for immunities, etc., in relation to international judicial bodies.
44. International conferences in the State.
45. General immunities of persons attending international conferences in the State.
46. Offence.
47. Evidence.
48. Provisions to ensure reciprocity.
49. Consent of Government in certain cases to appointment of Irish citizens to international organisations.
50. Orders under Part VIII of Principal Act to have statutory effect.

FIRST SCHEDULE

Vienna Convention on Diplomatic Relations

SECOND SCHEDULE

Vienna Convention on Consular Relations

THIRD SCHEDULE

Convention on the Privileges and Immunities of the United Nations.

FOURTH SCHEDULE

Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations.

FIFTH SCHEDULE

General Agreement on Privileges and Immunities of the Council of Europe.

SIXTH SCHEDULE

Enactments Repealed

Number 8 *of* 1967

DIPLOMATIC RELATIONS AND IMMUNITIES ACT 1967

REVISED

Updated to 28 April 2026

AN ACT TO ENABLE EFFECT TO BE GIVEN SO FAR AS IRELAND IS CONCERNED TO CERTAIN INTERNATIONAL CONVENTIONS RESPECTING DIPLOMATIC AND CONSULAR RELATIONS, IMMUNITIES AND PRIVILEGES AND CERTAIN INTERNATIONAL CONVENTIONS AND AGREEMENTS RESPECTING THE IMMUNITIES AND PRIVILEGES OF THE UNITED NATIONS ORGANISATION, THE SPECIALISED AGENCIES OF THE UNITED NATIONS AND CERTAIN OTHER INTERNATIONAL ORGANISATIONS, FOR THOSE PURPOSES TO MAKE PROVISION AS RESPECTS SUCH RELATIONS, IMMUNITIES AND PRIVILEGES AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [15*th April*, 1967.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

Short title.

1.—This Act may be cited as the Diplomatic Relations and Immunities Act, 1967.

The Minister.

2.—In this Act "the Minister" means the Minister for External Affairs.

F1[Application of International Criminal Court Act 2006.

2A.–Parts II to VIII of this Act are without prejudice to sections 60 (immunities and privileges relating to International Criminal Court) and 61 (state or diplomatic immunity, etc.) of the International Criminal Court Act 2006.]

Laying of orders before Houses of the Oireachtas.

3.—Every order made by the Government under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next subsequent twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to anything previously done thereunder.

Repeals.

4.—Each enactment mentioned in column (2) of the Sixth Schedule to this Act is hereby repealed to the extent specified in column (3) of that Schedule.

PART II

Vienna Conventions on Diplomatic Relations and Consular Relations

Vienna Convention on Diplomatic Relations to have force of law.

5.—(1) The provisions of the Vienna Convention on Diplomatic Relations done at Vienna on the 18th day of April, 1961, as set out in the First Schedule to this Act, shall have the force of law in the State.

(2) The Minister may from time to time make such orders as appear to him necessary or expedient for carrying out the convention referred to in subsection (1) of this section and for giving effect thereto or to any of the provisions thereof, and may revoke or amend any order under this section.

Vienna Convention on Consular Relations to have force of law.

6.—(1) The provisions of the Vienna Convention on Consular Relations done at Vienna on the 24th day of April, 1963, as set out in the Second Schedule to this Act, shall have the force of law in the State.

(2) The Minister may from time to time make such orders as appear to him necessary or expedient for carrying out the convention referred to in subsection (1) of this section and for giving effect thereto or to any of the provisions thereof, and may revoke or amend any order under this section.

PART III

General Convention on the Privileges and Immunities of the United Nations

Definitions (Part III).

7.—In this Part—

"the Convention" means the General Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on the 13th day of February, 1946, as set out in the Third Schedule to this Act;

"the Court" means the International Court of Justice;

"the Organisation" means the United Nations Organisation.

Legal capacity of United Nations.

8.—The Organisation shall have the legal capacity of a body corporate.

General immunities of Organisation under Convention.

9.—The Organisation and its property and a person in relation to whom the Convention applies and the property of such a person shall have and enjoy inviolability, exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as are provided for in each case by the Convention.

General immunities of judges and certain officials of Court.

10.—Judges of the Court, the Registrar of the Court and a person acting as such Registrar shall, when engaged on the business of the Court and during any journeys connected with the exercise of their functions, have and enjoy the same inviolability, exemptions, facilities, immunities, privileges and rights as are accorded to a head of a diplomatic mission under the Convention set out in the First Schedule to this Act.

Exemption from income tax of judges of Court.

11.—Judges of the Court shall enjoy exemption from income tax (including surtax) in respect of emoluments received by them as such judges.

General immunities of advocates appearing before Court.

12.—Persons, not being Irish citizens, engaged in appearing before the Court as representatives of a government or as advocates shall, when so engaged and during any journeys in connection with the matters on which they are so engaged, have and enjoy immunities and privileges corresponding to those conferred by Sections 11 to 13 of Article IV of the Convention.

General immunities of witnesses at and persons performing duties assigned to them by Court.

13.—Persons engaged in appearing as witnesses before the Court or in performing duties assigned to them by the Court and assessors of the Court engaged on the business of the Court shall, while so engaged, and during any journeys in connection with the matters on which they are so engaged have and enjoy the same immunities and privileges as are conferred by Section 22 of Article VI of the Convention.

General immunities of officials of Court.

14.—Officials of the Court shall, when engaged on the business of the Court and during any journeys connected with such business, have and enjoy such facilities and immunities as may be necessary for the independent exercise of their functions.

Waiver of immunities connected with Court.

15.—(1) The inviolability and the exemptions, facilities, immunities, privileges and rights conferred by this Act on a judge of the Court, the Registrar of the Court and the person acting as such Registrar and the immunities and privileges conferred by this Act on a person engaged in appearing as a witness before the Court or in performing duties assigned to him by the Court and on an assessor of the Court may be waived by the Court.

(2) The immunities and privileges conferred by this Act on persons engaged in appearing before the Court as representatives of a government or as advocates may be waived by the Government that they represent before the Court.

(3) The facilities and immunities conferred by this Act on officials of the Court (other than the Registrar of the Court) may be waived by the Registrar of the Court.

PART IV

Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations

Definitions (Part IV).

16.—In this Part—

"the Convention" means the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations adopted by the General Assembly of the United Nations on the 21st day of November, 1947, and the Annexes thereto, as set out in the Fourth Schedule to this Act and any annex thereto standing specified in an order under section 17 of this Act;

"organisation to which this Part applies" means—

(*a*) (i) the World Health Organisation;

(ii) the International Civil Aviation Organisation;

(iii) the International Labour Organisation;

(iv) the Food and Agriculture Organisation of the United Nations;

(v) the United Nations Educational, Scientific and Cultural Organisation;

(vi) the International Bank for Reconstruction and Development;

(vii) the International Monetary Fund;

(viii) the Universal Postal Union;

(ix) the International Telecommunication Union;

(x) the World Meteorological Organisation;

(xi) the Inter-Governmental Maritime Consultative Organisation;

(xii) the International Finance Corporation;

(xiii) the International Development Association; and

(*b*) an organisation standing designated for the time being by order under section 17 of this Act.

Designation of organisations to which this Part applies.

17.—The Government may from time to time by order designate an international organisation to be an organisation to which this Part applies if the organisation is in relationship with the United Nations Organisation in accordance with Articles 57 and 63 of the Charter of the United Nations Organisation and shall provide in the order that the annex to the Convention that relates to the organisation and is specified in the order shall have effect in relation thereto, subject, if the organisation has approved of the annex subject to amendments, to those amendments.

Amendment of annex to Convention.

18.—(1) Where, in relation to an annex set out in the Fourth Schedule to this Act or specified in an order under section 17 of this Act, a revised annex incorporating amendments to the first-mentioned annex is transmitted to the Secretary-General of the United Nations Organisation pursuant to Section 38 of the Convention, the Government may by order provide that the first-mentioned annex shall have effect subject to the amendments aforesaid.

(2) The Government may by order revoke or amend an order under this section including an order under this subsection.

Legal capacity of organisation to which this Part applies.

19.—An organisation to which this Part of this Act applies shall have the legal capacity of a body corporate.

General immunities of organisations to which this Part applies under Convention.

20.—An organisation to which this Part applies and its property and a person in relation to whom the Convention applies and the property of such a person shall have and enjoy inviolability, exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as are provided for in each case by the Convention in accordance with Sections 33, 36 and 38 thereof.

PART V

General Agreement on Privileges and Immunities of the Council of Europe

Definitions (Part V).

21.—In this Part—

"the Agreement" means the General Agreement on Privileges and Immunities of the Council of Europe done at Paris on the 2nd day of September, 1949, as set out in the Fifth Schedule to this Act;

F2**[**"the Bank" means the Council of Europe Development Bank as established by the Articles of Agreement of the Council of Europe Development Bank, the text of which is set out in Schedule 1 to the Council of Europe Development Bank Act 2004;**]**

"the Commission" means the European Commission of Human Rights established under Article 19 of the Convention;

"the Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on the 4th day of November, 1950;

"the Court" means the European Court of Human Rights established under Article 19 of the Convention;

"the First Protocol" means the First Protocol to the Agreement done at Strasbourg on the 6th day of November, 1952, as set out in the Fifth Schedule to this Act;

"judge" means a person standing elected pursuant to Article 39 of the Convention and includes an *ad hoc* judge standing appointed pursuant to Article 43 of the Convention;

"member" means a person elected pursuant to Article 22 of the Convention to be a member of the Commission;

"the Second Protocol" means the Second Protocol to the Agreement done at Paris on the 15th day of December, 1956, as set out in the Fifth Schedule to this Act;

F2**[**"the Third Protocol" means the Third Protocol to the Agreement done at Strasbourg on the 6th day of March 1959, as set out in the Fifth Schedule to this Act;**]**

"the Fourth Protocol" means the Fourth Protocol to the Agreement done at Paris on the 16th day of December, 1961, as set out in the Fifth Schedule to this Act.

F3**[**Construction of certain references in Third Protocol.

21A.—In the Third Protocol—

(*a*) references to the Council of Europe Resettlement Fund shall, pursuant to a decision of the Governing Board of 28 June 1999, which came into force on 1 November 1999, be read as references to the Council of Europe Development Bank, and

(*b*) references to the Governing Body shall, pursuant to the Articles of Agreement approved in 1993, be read as references to the Governing Board.**]**

Legal capacity of Council of Europe.

22.—The Council of Europe shall have the legal capacity of a body corporate.

General immunities under Agreement in relation to Council of Europe.

23.—The Council of Europe and its property and a person in relation to whom the Agreement or the First Protocol applies and the property of such a person shall have and enjoy inviolability, exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as are provided for in each case by the Agreement or the First Protocol, as the case may be.

General immunities of members of Commission.

24.—Members of the Commission and the property of the Commission or a member shall have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as are provided for in each case by the Second Protocol.

F4**[**General immunities in relation to Bank.

24A.—The Bank and its property and a person in relation to whom the Third Protocol applies and the property of such a person shall have and enjoy inviolability, exemptions, facilities, immunities, privileges and the rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as are provided for in each case by the Third Protocol.**]**

General immunities of judges and registrars of Court.

25.—Judges of the Court and the property of the Court or a judge, the Registrar of the Court, and a person acting as such Registrar, shall have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as are provided for in each case by the Fourth Protocol.

PART VI

Organisation for Economic Cooperation and Development

The Organisation (Part VI).

26.—In this Part "the Organisation" means the Organisation for Economic Cooperation and Development constituted by the Convention done at Paris on the 14th day of December, 1960.

Legal capacity of Organisation.

27.—The Organisation shall have the legal capacity of a body corporate.

General immunities of experts of Organisation.

28.—Experts (other than officials or servants of the Organisation) performing missions for the Organisation shall have and enjoy such privileges, immunities and facilities 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 have and enjoy—

(*a*) immunity from arrest or detention and from seizure of baggage;

(*b*) immunity from legal process in respect of acts done by them in the course of the performance of their missions aforesaid;

(*c*) inviolability in respect of papers and documents.

General immunities under Agreement in relation to Organisation.

29.—The Organisation and its property and a person who is a representative of a member of the Organisation or is a member of or attached to a delegation to the principal or a subsidiary organ of the Organisation or an official of the Organisation and any person, being a spouse of such person or a member of his family dependent on him, and the property of such persons shall have and enjoy inviolability and exemptions, immunities, facilities, privileges and rights corresponding to those provided for in Parts II, III, IV and VI (as may be appropriate in each case) of the Agreement set out in the Fifth Schedule to this Act.

Waiver of privileges.

30.—(1) The inviolability and the exemptions, facilities, immunities, privileges and rights conferred by this Act on an official of the Organisation or a person referred to in section 28 of this Act may be waived by the Organisation.

(2) The inviolability and the exemptions, facilities, immunities, privileges and rights conferred by this Act on a person who is a representative of a member of the Organisation or is a member of or attached to a delegation to the principal or a subsidiary organ of the Organisation or any person being a spouse of such person or a member of his family dependent on him may be waived by the member aforesaid of the Organisation of which the person is a representative or the Government of the person, as the case may be.

European Monetary Agreement.

31.—The provisions of Parts II and III of the Agreement set out in the Fifth Schedule to this Act shall apply in relation to the European Fund established by the European Monetary Agreement done at Paris on the 5th day of August, 1955, and to the assets of the Fund, including income, provided for in Article 22 of the said Agreement.

PART VII

International Councils

The Council (Part VII).

32.—In this Part "the Council" means the Customs Cooperation Council established by the Convention done at Brussels on the 15th day of December, 1950.

Legal capacity of Council.

33.—The Council shall have the legal capacity of a body corporate.

General immunities under Agreement in relation to Council.

34.—The Council and its property and a person who is a representative of a member of the Council or an official of the Council and any person, being a spouse of such person or a member of his family dependent on him, and the property of such persons shall have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights corresponding to those provided for in Parts II, III, IV and VI (as may be appropriate in each case) of the Agreement set out in the Fifth Schedule to this Act.

General immunities of experts of Council.

35.—Experts (other than officials or servants of the Council) performing missions for the Council shall have and enjoy such privileges, immunities and facilities 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 have and enjoy—

(*a*) immunity from arrest or detention and from seizure of baggage;

(*b*) immunity from legal process in respect of words spoken or written or acts done by them in the performance of their missions aforesaid and within the limits of their authority;

(*c*) inviolability in respect of papers and documents.

Waiver of privileges.

36.—(1) The inviolability and the exemptions, immunities, privileges and rights of an official of the Council or any person being a spouse of an official or a member of his family dependent on him, or a person referred to in section 35 of this Act may be waived by the Council.

(2) The immunities and privileges of a person who is a representative of a member of the Council or any person, being a spouse of such representative or a member of his family dependent on him, may be waived by the Government of the member.

Legal capacity of International Wheat Council.

37.—The International Wheat Council established under the International Wheat Agreement of 1949 shall have the legal capacity of a body corporate.

Legal capacity of International Sugar Council.

38.—The International Sugar Council established under the International Sugar Agreement of 1953 shall have the legal capacity of a body corporate.

PART VIII

General

Organisation to which this Part applies (Part VIII).

F5**[39.**—In this Part—

F6**[**"Convention on the Privileges and Immunities of the United Nations" means the General Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on the 13th day of February, 1946, as set out in the Third Schedule to this Act;

"Convention on the Privileges and Immunities of the Specialised Agencies" means the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations adopted by the General Assembly of the United Nations on the 21st day of November, 1947, and the Annexes thereto, as set out in the Fourth Schedule to this Act and any annex thereto standing specified in an order under section 17 of this Act;**]**

"organisation to which this Part applies" means an international organisation, community or body standing designated for the time being by order under section 40 of this Act;

"Vienna Convention" means the Vienna Convention on Diplomatic Relations done at Vienna on the 18th day of April 1961 as set out in the First Schedule to this Act.**]**

Designation of organisations to which this Part applies.

40.—(1) The Government may by order designate an international organisation, community or body of which the State or the Government is or intends to become a member to be an organisation to which this Part of this Act applies and may, by the order, make provision for the purposes of section 42 of this Act, as respects inviolability, exemptions, facilities, immunities, privileges and rights F7**[**equivalent or having like effect to those conferred upon, or afforded in relation to, sending states, missions or international organisations under the Vienna Convention, the Convention on the Privileges and Immunities of the United Nations, or the Convention on the Privileges and Immunities of the Specialised Agencies or any other international agreement scheduled to this Act,**]** in relation to the organisation.

(2) The Government may by order revoke or amend an order under this section including an order under this subsection.

Legal capacity of organisation to which this Part applies.

41.—An organisation to which this Part applies shall have the legal capacity of a body corporate.

General immunities of organisation to which this Part applies.

42.—An organisation to which this Part applies, its institutions or organs, its property and a person who is a member of any of its institutions or organs, an official of the organisation or a delegate to, or a representative of a state or government that is a member of, the organisation or is performing duties assigned to him by the organisation and any person, being a spouse of such person or a member of his family dependent on him, shall have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as may be provided for in each case in the order under section 40 of this Act in relation to the organisation.

F8**[**Immunities under international agreements.

42A.—(1) The Government may by order make provision to enable—

(*a*) international organisations, communities or bodies, their institutions or organs and their property, and

(*b*) persons,

to have and enjoy in the State any inviolability, exemptions, facilities, immunities, privileges or rights F9**[**equivalent or having like effect to those conferred upon, or afforded in relation to, sending states, missions or international organisations under the Vienna Convention, the Convention on the Privileges and Immunities of the United Nations, or the Convention on the Privileges and Immunities of the Specialised Agencies or any other international agreement scheduled to this Act**]** provided for in relation to them by an international agreement F10**[**or arrangement**]** to which the State or the Government is or intends to become a party.

F10**[**(1A) Where the Government by order under subsection (1) makes provision to enable the International Committee of the Red Cross to enjoy in the State inviolability, exemptions, facilities, immunities, privileges or rights provided for in relation to the International Committee of the Red Cross by an arrangement into which the State or the Government has entered or intends to enter, such an order may include provision for the confidentiality of communications to and from the International Committee of the Red Cross.**]**

(2) The Government may by order revoke or amend an order under this section including an order under this subsection.

(3) Section 41 of this Act shall apply in relation to organisations, communities and bodies and their institutions or organs in respect of which an order under this section is in force and section 46 of this Act shall apply in relation to any inviolability, exemptions, facilities, immunities or privileges for which provision is made by such an order.**]**

Provisions for immunities, etc., in relation to international judicial bodies.

43.—(1) The Government may, as respects an international judicial body or a semi-judicial body established under an agreement to which the State or the Government is or intends to become a party or an arbitration or conciliation board established by or on behalf of or for the purposes of an international organisation to which this Part applies, by order make provision as respects inviolability and exemptions, facilities, immunities, privileges and rights F11**[**equivalent or having like effect to those conferred upon, or afforded in relation to, sending states, missions, or international organisations under the Vienna Convention, the Convention on the Privileges and Immunities of the United Nations, or the Convention on the Privileges and Immunities of the Specialised Agencies or any other international agreement scheduled to this Act**]** in relation to judges and registrars of the body, persons engaged in appearing as advocates or witnesses before the body or board or in performing duties assigned to them by the body or board and persons who

are parties to a suit before the body or board or apply to the body or board in relation to the commencement of a suit or other proceedings before the body or board and their advisers.

(2) The Government may, by order, revoke or amend an order under this section, including an order under this subsection.

(3) A person, body or board referred to in subsection (1) of this section shall have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as may be provided for in each case in the relevant order under this section.

International conferences in the State.

44.—The Minister may, in relation to a conference which—

(*a*) is being or will be held in the State, and

(*b*) is being or will be attended by representatives of the Government or the State and of another government or other governments or another state or other states,

cause notice of the holding of the conference and the dates thereof to be published in *Iris Oifigiúil*.

General immunities of persons attending international conferences in the State.

45.—A person attending on behalf of a government or state a conference in the State in respect of which a notice has been published pursuant to section 44 of this Act shall, during the conference and on the day immediately preceding and the day immediately succeeding the conference, have and enjoy inviolability and exemptions, facilities, immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as a member of a diplomatic mission under the convention set out in the First Schedule to this Act.

Offence.

46.—(1) A person who wilfully hinders, restricts or prevents the enjoyment or exercise of inviolability or an exemption, facility, immunity, privilege or right conferred by this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both the fine and the imprisonment.

(2) Proceedings for the prosecution of an offence under this section shall not be instituted without the certificate of the Minister that the institution of the proceedings is in his opinion expedient.

Evidence.

47.—In proceedings in any court a certificate purporting to be under the seal of the Minister and stating any fact relevant to determine whether a judicial or semi-judicial body, an arbitration or conciliation board, an organisation, community, body, diplomatic mission, consular post or person is entitled to inviolability or to an exemption, facility, immunity, privilege or right under a provision of this Act or of an order made under this Act shall be *prima facie* evidence of the fact.

Provisions to ensure reciprocity.

48.—Notwithstanding anything contained in Part II of this Act, the Government may, if they so think fit—

(*a*) refuse to accord the inviolability, exemptions, facilities, immunities, privileges and rights provided for in that Part to members of a diplomatic mission or consular post of another state or any person, being a spouse of such a member or a member of his family dependent on him or a private servant of such a member, or

(*b*) limit the extent or operation of that inviolability or those exemptions, facilities, immunities, privileges and rights,

if the Government of that state does not accord to members of a diplomatic mission of the State, members of a consular post of the State or any person, being a spouse of such a member or a member of his family dependent on him or a private servant

of such a member, that inviolability or those immunities, facilities, exemptions, privileges or rights.

Consent of Government in certain cases to appointment of Irish citizens to international organisations.

49.—F12**[**...**]**

F13**[**Orders under Part VIII of Principal Act to have statutory effect.

50.—F14**[**(1) Every order under this Part in force immediately before the passing of the Diplomatic Relations (Miscellaneous Provisions) Act 2017 shall have statutory effect as if it were an Act of the Oireachtas.**]**

(2) The following orders are revoked:

(*a*) the INTELSAT (Designation of Organisation and Immunities of Organisation and its Officers and Employees) Order 1972 (S.I. No. 39 of 1972) (amended by INTELSAT (Designation of Organisation and Immunities of Organisation and its Officers and Employees) (Amendment) Order 1993 (S.I. No. 191 of 1993));

(*b*) the European Telecommunications Satellite Organisation (Eutelsat) (Designation and Immunities) Order 1993 (S.I. No. 193 of 1993); and

(*c*) the European Radio Communications Office (Privileges and Immunities) Order 1994 (S.I. No. 186 of 1994).**]**

FIRST SCHEDULE

VIENNA CONVENTION ON DIPLOMATIC RELATIONS

The States Parties to the present Convention,

Recalling that peoples of all nations from ancient times have recognised the status of diplomatic agents,

Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security and the promotion of friendly relations among nations,

Believing that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realising that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States,

Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

Article 1.

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(*a*) the "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;

(*b*) the "members of the mission" are the head of the mission and the members of the staff of the mission;

(*c*) the "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;

(*d*) the "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;

(*e*) a "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;

(*f*) the "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;

(*g*) the "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;

(*h*) a "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;

(*i*) the "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

Article 2.

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

ARTICLE 3.

1. The functions of a diplomatic mission consist *inter alia* in:

(*a*) representing the sending State in the receiving State;

(*b*) protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;

(*c*) negotiating with the Government of the receiving State;

(*d*) ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;

(*e*) promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

ARTICLE 4.

1. The sending State must make certain that the *agrément* of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.

2. The receiving State is not obliged to give reasons to the sending State for a refusal of *agrément.*

ARTICLE 5.

1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is express objection by any of the receiving States.

2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a *chargé d'affaires ad interim* in each State where the head of mission has not his permanent seat.

3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organisation.

ARTICLE 6.

Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.

ARTICLE 7.

Subject to the provisions of Articles 5, 8, 9 and 11, the sending State may freely appoint the members of the staff of the mission. In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand, for its approval.

ARTICLE 8.

1. Members of the diplomatic staff of the mission should in principle be of the nationality of the sending State.

2. Members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

ARTICLE 9.

1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this Article, the receiving State may refuse to recognise the person concerned as a member of the mission.

ARTICLE 10.

1. The Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, shall be notified of:

(*a*) the appointment of members of the mission, their arrival and their final departure or the termination of their functions with the mission;

(*b*) the arrival and final departure of a person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission;

(*c*) the arrival and final departure of private servants in the employ of persons referred to in sub-paragraph (*a*) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons;

(*d*) the engagement and discharge of persons resident in the receiving State as members of the mission or private servants entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given.

ARTICLE 11.

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.

ARTICLE 12.

The sending State may not, without the prior express consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself is established.

ARTICLE 13.

1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.

2. The order of presentation of credentials or of a true copy thereof will be determined by the date and time of the arrival of the head of the mission.

ARTICLE 14.

1. Heads of mission are divided into three classes namely:

(*a*) that of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank;

(*b*) that of envoys, ministers and internuncios accredited to Heads of State;

(*c*) that of *chargés d'affaires* accredited to Ministers for Foreign Affairs.

2. Except as concerns precedence and etiquette, there shall be no differentiation between heads of mission by reason of their class.

ARTICLE 15.

The class to which the heads of their missions are to be assigned shall be agreed between States.

ARTICLE 16.

1. Heads of mission shall take precedence in their respective classes in the order of the date and time of taking up their functions in accordance with Article 13.

2. Alterations in the credentials of a head of mission not involving any change of class shall not affect his precedence.

3. This Article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.

ARTICLE 17.

The precedence of the members of the diplomatic staff of the mission shall be notified by the head of the mission to the Ministry for Foreign Affairs or such other ministry as may be agreed.

ARTICLE 18.

The procedure to be observed in each State for the reception of heads of mission shall be uniform in respect of each class.

ARTICLE 19.

1. If the post of head of the mission is vacant, or if the head of the mission is unable to perform his functions, a *chargé d'affaires ad interim* shall act provisionally as head of the mission. The name of the *chargé d'affaires ad interim* shall be notified, either by the head of the mission or, in case he is unable to do so, by the Ministry for Foreign Affairs of the sending State to the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission.

Article 20.

The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.

Article 21.

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members.

Article 22.

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23.

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

Article 24.

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 25.

The receiving State shall accord full facilities for the performance of the functions of the mission.

Article 26.

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

Article 27.

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Article 28.

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29.

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30.

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

Article 31.

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(*a*) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(*b*) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(*c*) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under subparagraphs (*a*), (*b*) and (*c*) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

Article 32.

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

Article 33.

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:

(*a*) that they are not nationals of or permanently resident in the receiving State; and

(*b*) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34.

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(*a*) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(*b*) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(*c*) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;

(*d*) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;

(*e*) charges levied for specific services rendered;

(*f*) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

Article 35.

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 36.

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(*a*) articles for the official use of the mission;

(*b*) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorised representative.

Article 37.

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties.

They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38.

1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 39.

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the moveable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

Article 40.

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required

to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

Article 41.

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State.

Article 42.

A diplomatic agent shall not in the receiving State practise for personal profit any professional or commercial activity.

Article 43.

The function of a diplomatic agent comes to an end, *inter alia*:

(*a*) on notification by the sending State to the receiving State that the function of the diplomatic agent has come to an end;

(*b*) on notification by the receiving State to the sending State that, in accordance with paragraph 2 of Article 9, it refuses to recognise the diplomatic agent as a member of the mission.

Article 44.

The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property.

Article 45.

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

(*a*) the receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;

(*b*) the sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State;

(*c*) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

Article 46.

A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

Article 47.

1. In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

(*a*) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its mission in the sending State;

(*b*) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

Article 48.

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialised agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1962, at the United Nations Headquarters in New York.

Article 49.

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 50.

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 48. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 51.

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 52.

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 48:

(*a*) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 48, 49 and 50;

(*b*) of the date on which the present Convention will enter into force, in accordance with Article 51.

ARTICLE 53.

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 48.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Convention.

DONE AT VIENNA, this eighteenth day of April one thousand nine hundred and sixty-one.

SECOND SCHEDULE.

VIENNA CONVENTION ON CONSULAR RELATIONS

The States Parties to the present Convention,

Recalling that consular relations have been established between peoples since ancient times,

Having in mind the Purposes and Principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Considering that the United Nations Conference on Diplomatic Intercourse and Immunities adopted the Vienna Convention on Diplomatic Relations which was opened for signature on 18 April 1961,

Believing that an international convention on consular relations, privileges and immunities would also contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realising that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of functions by consular posts on behalf of their respective States,

Affirming that the rules of customary international law continue to govern matters not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

Article 1.

Definitions.

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(*a*) "consular post" means any consulate-general, consulate, vice-consulate or consular agency;

(*b*) "consular district" means the area assigned to a consular post for the exercise of consular functions;

(*c*) "head of consular post" means the person charged with the duty of acting in that capacity;

(*d*) "consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(*e*) "consular employee" means any person employed in the administrative or technical service of a consular post;

(*f*) "member of the service staff" means any person employed in the domestic service of a consular post;

(*g*) "members of the consular post" means consular officers, consular employees and members of the service staff;

(*h*) "members of the consular staff" means consular officers, other than the head of a consular post, consular employees and members of the service staff;

(*i*) "member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post;

(*j*) "consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

(*k*) "consular archives" includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officers; the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

CHAPTER I. CONSULAR RELATIONS IN GENERAL.

SECTION I. ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS.

Article 2.

Establishment of consular relations.

1. The establishment of consular relations between States takes place by mutual consent.

2. The consent given to the establishment of diplomatic relations between two States implies, unless otherwise stated, consent to the establishment of consular relations.

3. The severance of diplomatic relations shall not *ipso facto* involve the severance of consular relations.

ARTICLE 3.

Exercise of consular functions.

Consular functions are exercised by consular posts. They are also exercised by diplomatic missions in accordance with the provisions of the present Convention.

ARTICLE 4.

Establishment of a consular post.

1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

ARTICLE 5.

Consular functions.

Consular functions consist in:

(*a*) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

(*b*) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;

(*c*) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;

(*d*) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

(*e*) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(*f*) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(*g*) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

(*h*) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(*i*) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;

(*j*) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force, or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

(*k*) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;

(*l*) extending assistance to vessels and aircraft mentioned in sub-paragraph (*k*) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorised by the laws and regulations of the sending State;

(*m*) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

ARTICLE 6.

Exercise of consular functions outside the consular district.

A consular officer may, in special circumstances, with the consent of the receiving State, exercise his functions outside his consular district.

ARTICLE 7.

Excercise of consular functions in a third State.

The sending State may, after notifying the States concerned, entrust a consular post established in a particular State with the exercise of consular functions in another State, unless there is express objection by one of the States concerned.

ARTICLE 8.

Exercise of consular functions on behalf of a third State.

Upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State.

ARTICLE 9.

Classes of heads of consular posts.

1. Heads of consular posts are divided into four classes, namely:

(*a*) consuls-general;

(*b*) consuls;

(*c*) vice-consuls;

(*d*) consular agents.

2. Paragraph 1 of this Article in no way restricts the right of any of the Contracting Parties to fix the designation of consular officers other than the heads of consular posts.

ARTICLE 10.

Appointment and admission of heads of consular posts.

1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

2. Subject to the provisions of the present Convention, the formalities for the appointment and for the admission of the head of a consular post are determined by the laws, regulations and usages of the sending State and of the receiving State respectively.

ARTICLE 11.

The consular commission or notification of appointment.

1. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.

2. The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.

3. If the receiving State agrees, the sending State may, instead of a commission or similar instrument, send to the receiving State a notification containing the particulars required by paragraph 1 of this Article.

ARTICLE 12.

The Exequatur.

1. The head of a consular post is admitted to the exercise of his functions by an authorisation from the receiving State termed *an exequatur*, whatever the form of this authorisation.

2. A state which refuses to grant *an exequatur* is not obliged to give to the sending State reasons for such refusal.

3. Subject to the provisions of Articles 13 and 15, the head of a consular post shall not enter upon his duties until he has received *an exequatur*.

Article 13.

Provisional admission of heads of consular posts.

Pending delivery of the *exequatur*, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of the present Convention shall apply.

Article 14.

Notification to the authorities of the consular district.

As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of the present Convention.

Article 15.

Temporary exercise of the functions of the head of a consular post.

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

Article 16.

Precedence as between heads of consular posts.

1. Heads of consular posts shall rank in each class according to the date of the grant of the *exequatur*.

2. If, however, the head of a consular post before obtaining the *exequatur* is admitted to the exercise of his functions provisionally, his precedence shall be determined according to the date of the provisional admission; this precedence shall be maintained after the granting of the *exequatur*.

3. The order of precedence as between two or more heads of consular posts who obtained the *exequatur* or provisional admission on the same date shall be determined according to the dates on which their commissions or similar instruments or the notifications referred to in paragraph 3 of Article 11 were presented to the receiving State.

4. Acting heads of posts shall rank after all heads of consular posts and, as between themselves, they shall rank according to the dates on which they assumed their functions as acting heads of posts as indicated in the notifications given under paragraph 2 of Article 15.

5. Honorary consular officers who are heads of consular posts shall rank in each class after career heads of consular posts, in the order and according to the rules laid down in the foregoing paragraphs.

6. Heads of consular posts shall have precedence over consular officers not having that status.

ARTICLE 17.

Performance of diplomatic acts by consular officers.

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorised to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organisation. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

ARTICLE 18.

Appointment of the same person by two or more States as a consular officer.

Two or more States may, with the consent of the receiving State, appoint the same person as a consular officer in that State.

ARTICLE 19.

Appointment of members of consular staff.

1. Subject to the provisions of Articles 20, 22 and 23, the sending State may freely appoint the members of the consular staff.

2. The full name, category and class of all consular officers, other than the head of a consular post, shall be notified by the sending State to the receiving State in sufficient time for the receiving State, if it so wishes, to exercise its rights under paragraph 3 of Article 23.

3. The sending State may, if required by its laws and regulations, request the receiving State to grant an *exequatur* to a consular officer other than the head of a consular post.

4. The receiving State may, if required by its laws and regulations, grant an *exequatur* to a consular officer other than the head of a consular post.

Article 20.

Size of the consular staff.

In the absence of an express agreement as to the size of the consular staff, the receiving State may require that the size of the staff be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the consular district and to the needs of the particular consular post.

Article 21.

Precedence as between consular officers of a consular post.

The order of precedence as between the consular officers of a consular post and any change thereof shall be notified by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

Article 22.

Nationality of Consular officers.

1. Consular officers should, in principle, have the nationality of the sending State.

2. Consular officers may not be appointed from among persons having the nationality of the receiving State except with the express consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Article 23.

Persons declared non grata.

1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be either recall the person concerned or terminate his functions with the consular post.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this Article, the receiving State may, as the case may be, either withdraw the *exequatur* from the person concerned or cease to consider him as a member of the consular staff.

3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.

4. In the cases mentioned in paragraphs 1 and 3 of this Article, the receiving State is not obliged to give to the sending State reasons for its decision.

Article 24.

Notification to the receiving State of appointments, arrivals and departures.

1. The Ministry for Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

(*a*) the appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;

(*b*) the arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;

(*c*) the arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;

(*d*) the engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.

2. When possible, prior notification of arrival and final departure shall also be given.

SECTION II. END OF CONSULAR FUNCTIONS.

ARTICLE 25.

Termination of the functions of a member of a consular post.

The functions of a member of a consular post shall come to an end *inter alia*:

(*a*) on notification by the sending State to the receiving State that his functions have come to an end;

(*b*) on withdrawal of the *exequatur*;

(*c*) on notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

ARTICLE 26.

Departure from the territory of the receiving State.

The receiving State shall, even in case of armed conflict, grant to members of the consular post and members of the private staff, other than nationals of the receiving State, and to members of their families forming part of their households irrespective of nationality, the necessary time and facilities to enable them to prepare their departure and to leave at the earliest possible moment after the termination of the functions of the members concerned. In particular, it shall, in case of need, place at their disposal the necessary means of transport for themselves and their property other than property acquired in the receiving State the export of which is prohibited at the time of departure.

ARTICLE 27.

Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances.

1. In the event of the severance of consular relations between two States:

(*a*) the receiving State shall, even in case of armed conflict, respect and protect the consular premises, together with the property of the consular post and the consular archives;

(*b*) the sending State may entrust the custody of the consular premises, together with the property contained therein and the consular archives, to a third State acceptable to the receiving State;

(*c*) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

2. In the event of the temporary or permanent closure of a consular post, the provisions of sub-paragraph (*a*) of paragraph 1 of this Article shall apply. In addition,

(*a*) if the sending State, although not represented in the receiving State by a diplomatic mission, has another consular post in the territory of that State, that consular post may be entrusted with the custody of the premises of the consular post which has been closed, together with the property contained therein and the consular archives, and, with the consent of the receiving State, with the exercise of consular functions in the district of that consular post; or

(*b*) if the sending State has no diplomatic mission and no other consular post in the receiving State, the provisions of sub-paragraphs (*b*) and (*c*) of paragraph 1 of this Article shall apply.

CHAPTER II. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST.

SECTION I. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO A CONSULAR POST.

Article 28.

Facilities for the work of the consular post.

The receiving State shall accord full facilities for the performance of the functions of the consular post.

Article 29.

Use of national flag and coat-of-arms.

1. The sending State shall have the right to the use of its national flag and coat-of-arms in the receiving State in accordance with the provisions of this Article.

2. The national flag of the sending State may be flown and its coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.

3. In the exercise of the right accorded by this Article regard shall be had to the laws, regulations and usages of the receiving State.

Article 30.

Accommodation.

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

Article 31.

Inviolability of the consular premises.

1. Consular premises shall be inviolable to the extent provided in this article.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

Article 32.

Exemption from taxation of consular premises.

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

Article 33.

Inviolability of the consular archives and documents.

The consular archives and documents shall be inviolable at all times and wherever they may be.

Article 34.

Freedom of movement.

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

Article 35.

Freedom of communication.

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorised representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

ARTICLE 36.

Communication and contact with nationals of the sending State.

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(*a*) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(*b*) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph;

(*c*) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

Article 37.

Information in cases of deaths, guardianship or trusteeship, wrecks and air accidents.

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

(*a*) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;

(*b*) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;

(*c*) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence.

Article 38.

Communication with the authorities of the receiving State.

In the exercise of their functions, consular officers may address:

(*a*) the competent local authorities of their consular district;

(*b*) the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

Article 39.

Consular fees and charges.

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

SECTION II. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST.

Article 40.

Protection of consular officers.

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 41.

Personal inviolability of consular officers.

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this Article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this Article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 42.

Notification of arrest, detention or prosecution.

In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

Article 43.

Immunity from jurisdiction.

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:

(*a*) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or

(*b*) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

Article 44.

Liability to give evidence.

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 45.

Waiver of privileges and immunities.

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 46.

Exemption from registration of aliens and residence permits.

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this Article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

Article 47.

Exemption from work permits.

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this Article.

ARTICLE 48.

Social security exemption.

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

(*a*) that they are not nationals of or permanently resident in the receiving State; and

(*b*) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

ARTICLE 49.

Exemption from taxation.

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(*a*) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(*b*) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;

(*c*) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (*b*) of Article 51;

(*d*) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;

(*e*) charges levied for specific services rendered;

(*f*) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations

which the laws and regulations of that State impose upon employers concerning the levying of income tax.

ARTICLE 50.

Exemption from customs duties and inspection.

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(*a*) articles for the official use of the consular post;

(*b*) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilisation by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (*b*) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

ARTICLE 51.

Estate of a member of the consular post or of a member of his family.

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

(*a*) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;

(*b*) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

ARTICLE 52.

Exemption from personal services and contributions.

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 53.

Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

ARTICLE 54.

Obligations of third States.

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

ARTICLE 55.

Respect for the laws and regulations of the receiving State.

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

ARTICLE 56.

Insurance against third party risks.

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

ARTICLE 57.

Special provisions concerning private gainful occupation.

1. Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving State.

2. Privileges and immunities provided in this Chapter shall not be accorded:

(*a*) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;

(*b*) to members of the family of a person referred to in sub-paragraph (*a*) of this paragraph or to members of his private staff;

(*c*) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III. REGIME RELATING TO HONORARY CONSULAR OFFICERS AND CONSULAR POSTS HEADED BY SUCH OFFICERS.

ARTICLE 58.

General provisions relating to facilities, privileges and immunities.

1. Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In addition the facilities, privileges and immunities of such consular posts shall be governed by Articles 59, 60, 61 and 62.

2. Articles 42 and 43, paragraph 3 of Article 44, Articles 45 and 53 and paragraph 1 of Article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 63, 64, 65, 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

ARTICLE 59.

Protection of the consular premises.

The receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

ARTICLE 60.

Exemption from taxation of consular premises.

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

ARTICLE 61.

Inviolability of consular archives and documents.

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

ARTICLE 62.

Exemption from customs duties.

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

ARTICLE 63.

Criminal proceedings.

If criminal proceedings are instituted against an honorary consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him shall be instituted with the minimum of delay.

ARTICLE 64.

Protection of honorary consular officers.

The receiving State is under a duty to accord to an honorary consular officer such protection as may be required by reason of his official position.

ARTICLE 65.

Exemption from registration of aliens and residence permits.

Honorary consular officers, with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

ARTICLE 66.

Exemption from taxation.

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

ARTICLE 67.

Exemption from personal services and contributions.

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 68.

Optional character of the institution of honorary consular officers.

Each State is free to decide whether it will appoint or receive honorary consular officers.

CHAPTER IV. GENERAL PROVISIONS.

ARTICLE 69.

Consular agents who are not heads of consular posts.

1. Each State is free to decide whether it will establish or admit consular agencies conducted by consular agents not designated as heads of consular post by the sending State.

2. The conditions under which the consular agencies referred to in paragraph 1 of this Article may carry on their activities and the privileges and immunities which may be enjoyed by the consular agents in charge of them shall be determined by agreement between the sending State and the receiving State.

ARTICLE 70.

Exercise of consular functions by diplomatic missions.

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

3. In the exercise of consular functions a diplomatic mission may address:

(*a*) the local authorities of the consular district;

(*b*) the central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by relevant international agreements.

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

ARTICLE 71.

Nationals or permanent residents of the receiving State.

1. Except in so far as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44. So far as these consular officers are concerned, the receiving State shall likewise be bound by the obligation laid down in Article 42. If criminal proceedings are instituted against such a consular officer, the proceedings shall, except when he is under arrest or detention, be conducted in a manner which will hamper the exercise of consular functions as little as possible.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

ARTICLE 72.

Non-discrimination.

1. In the application of the provisions of the present Convention the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

(*a*) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its consular posts in the sending State;

(*b*) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

ARTICLE 73.

Relationship between the present Convention and other international agreements.

1. The provisions of the present Convention shall not affect other international agreements in force as between States parties to them.

2. Nothing in the present Convention shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof.

CHAPTER V. FINAL PROVISIONS.

ARTICLE 74.

Signature.

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialised agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

ARTICLE 75.

Ratification.

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 76.

Accession.

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 74. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 77.

Entry into force.

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 78.

Notifications by the Secretary-General.

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 74:

(*a*) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 74, 75 and 76;

(*b*) of the date on which the present Convention will enter into force, in accordance with Article 77.

ARTICLE 79.

Authentic texts.

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 74.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Convention.

DONE AT VIENNA, this twenty-fourth day of April, one thousand nine hundred and sixty-three.

THIRD SCHEDULE.

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.

Whereas Article 104 of the Charter of the United Nations provides that the Organisation shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes, and

Whereas Article 105 of the Charter of the United Nations provides that the Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organisation shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of the functions in connection with the Organisation,

Consequently the General Assembly by a Resolution adopted on the 13th February, 1946, approved the following Convention and proposes it for accession by each Member of the United Nations.

ARTICLE I.

Juridical Personality.

Section 1.—The United Nations shall possess juridical personality. It shall have the capacity—

(*a*) to contract;

(*b*) to acquire and dispose of immovable and movable property;

(*c*) to institute legal proceedings.

ARTICLE II.

Property, Funds and Assets.

Section 2.—The United Nations, its 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 it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3.—The premises of the United Nations shall be inviolable. The property and assets of the United Nations, 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 4.—The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5.—Without being restricted by financial controls, regulations or moratoria of any kind—

(*a*) the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

(*b*) the United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

Section 6.—In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Section 7.—The United Nations, its assets, income and other property shall be—

(*a*) exempt from all direct taxes; it is understood, however, that the United Nations 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 United Nations for its 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 with the Government of that country;

(*c*) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8.—While the United Nations 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 United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make

appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III.

Facilities in Respect of Communications.

Section 9.—The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its 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. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10.—The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV.

The Representatives of Members.

Section 11.—Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey 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 capacity as representatives, 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 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 diplomatic envoys; and also

(*g*) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12.—In order to secure for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and 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 the representatives of Members.

Section 13.—Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a State for the discharge of their duties shall not be considered as periods of residence.

Section 14.—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 connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15.—The provisions of Section 11, 12 and 13 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.

Section 16.—In this Article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

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 Missions 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;

(*b*) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(*c*) inviolability for all papers and documents;

(*d*) for the purpose of their communications with the United Nations, 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 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 diplomatic envoys.

Section 23.—Privileges and immunities are granted to experts 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 expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII.

United Nations Laissez-Passer.

Section 24.—The United Nations may issue United Nations *laissez-passer* to its officials. These *laissez-passer* shall be recognised and accepted as valid travel documents, by the authorities of Members, taking into account the provisions of Section 25.

Section 25.—Applications for visas (where required) from the holders of United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26.—Similar facilities to those specified in Section 25 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 the United Nations.

Section 27.—The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations *laissez-passer* on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 28.—The provisions of this Article may be applied to the comparable officials of specialised agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE VIII.

Settlement of Disputes.

Section 29.—The United Nations shall make provisions for appropriate modes of settlement of—

(*a*) disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;

(*b*) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 30.—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 the United Nations 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. The opinion given by the Court shall be accepted as decisive by the parties.

FINAL ARTICLE.

Section 31.—This convention is submitted to every Member of the United Nations for accession.

Section 32.—Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Section 33.—The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Section 34.—It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

Section 35.—This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Section 36.—The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

FOURTH SCHEDULE.

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALISED AGENCIES OF THE UNITED NATIONS.

Whereas the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialised agencies; and

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

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

(*a*) The International Labour Organisation;

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

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

(*d*) The International Civil Aviation Organisation;

(*e*) The International Monetary Fund;

(*f*) The International Bank for Reconstruction and Development;

(*g*) The World Health Organisation;

(*h*) The Universal Postal Union;

(*i*) The International Telecommunication 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 specialised 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 specialised 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 specialised 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 specialised agency in question, whether designated "Director-General" or otherwise.

Section 2. Each State party to this Convention in respect of any specialised agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connection 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 section 36 or 38.

ARTICLE II.

Juridical personality.

Section 3. The specialised 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 specialised 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 specialised agencies shall be inviolable. The property and assets of the specialised 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 specialised 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 specialised agencies may hold funds, gold or currency of any kind and operate accounts in any currency;

(*b*) the specialised 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 specialised 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 specialised agencies, their assets, income and other property shall be:

(*a*) exempt from all direct taxes; it is understood, however, that the specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised agencies.

The specialised agencies shall have the right to use codes and to dispatch 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 specialised agency.

ARTICLE V.

Representatives of Members.

Section 13. Representatives of members at meetings convened by a specialised 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 specialised 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 specialised 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 connection with the specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialised agency and approved by the State concerned.

Should other officials of specialised agencies be called up for national service, the State concerned shall, at the request of the specialised 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 specialised 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 specialised agencies only and not for the personal benefit of the individuals themselves. Each specialised 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 specialised agency.

Section 23. Each specialised 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 connection 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 privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialised 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 specialised 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 specialised agency in question, to withhold from the specialised agency concerned the benefits of the privilege or immunity so abused.

Section 25. 1. Representatives of members at meetings convened by specialised 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 consultations with the executive head of the specialised agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialised 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 specialised 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 specialised 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 recognise and accept the United Nations *laissez-passer* issued to officials of the specialised agencies as valid travel documents.

Section 28. Applications for visas, where required, from officials of specialised agencies holding United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of a specialised 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 specialised 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 specialised agencies, travelling on United Nations *laissez-passer* on the business of the specialised 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 specialised agency shall make provision for appropriate modes of settlement of:

(*a*) disputes arising out of contracts or other disputes of private character to which the specialised agency is a party;

(*b*) disputes involving any official of a specialised 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 specialised 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 specialised agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

Article X.

Annexes and application to individual specialised agencies.

Section 33. In their application to each specialised 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 specialised agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

Section 35. Draft annexes I to IX are recommended to the specialised agencies named therein. In the case of any specialised 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 specialised agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised agency.

Section 43. Each State party to this Convention shall indicate in its instrument of accession the specialised 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 specialised agencies. The 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 specialised 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 specialised agencies, and executive heads of the specialised 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 specialised 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 specialised 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 specialised 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 specialised 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 specialised agency and to the Government of each Member of the United Nations.

ANNEX I.

INTERNATIONAL LABOUR ORGANISATION.

In their application to the International Labour Organisation 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 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 Organisation 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 connection 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 Organisation;

(*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 Organisation.

(ii) In connection 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 Organisation in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Organisation 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 Organisations.

ANNEX II.

THE FOOD AND AGRICULTURE ORGANISATION OF THE UNITED NATIONS.

In their application to the Food and Agriculture Organisation of the United Nations (hereinafter called "the Organisation") 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 Organisation and to the representatives of Associate Members, except that any waiver of the immunity of the Chairman under Section 16 shall be by the Council of the Organisation.

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

(*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 Organisation and, for the purpose of their communications with the Organisation, the right to use codes and to receive papers or correspondence by courier or in sealed bags.

(ii) In connection 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 Organisation and not for the personal benefit of the individuals themselves. The Organisation 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 Organisation.

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

ANNEX III.

International Civil Aviation Organisation.

The standard clauses shall operate in respect to the International Civil Aviation Organisation (hereinafter called "the Organisation") 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 Organisation.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organisation 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 connection with service on such committees or missions:

(*a*) immunity from personal arrest or seizure of their personal baggage;

(*b*) immunity from legal process of every kind in respect of words spoken or written or acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organisation;

(*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 Organisation.

(ii) In connection 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 Organisation in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Organisation 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 Organisation.

ANNEX IV.

United Nations Educational, Scientific and Cultural Organisation.

The standard clauses shall operate in respect to the United Nations Educational, Scientific and Cultural Organisation (hereinafter called "the Organisation") 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 Organisation, 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 Organisation, 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 specialised agency.

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

(*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 Organisation in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Organisation 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 Organisation.

ANNEX V.

International Monetary Fund.

In its application to the International Monetary Fund (hereinafter called "the Fund"), the convention (including this annex) shall operate subject to the following provisions:

1. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Fund solely from this convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

2. The provisions of the convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Fund or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Fund or any of its members, Governors, Executive Directors, alternates,

officers or employees by the Articles of Agreement of the Fund, or by any statute, law or regulation of any member of the Fund or any political subdivision of any such member, or otherwise.

ANNEX VI.

International Bank for Reconstruction and Development.

In its application to the International Bank for Reconstruction and Development (hereinafter called "the Bank"), the convention (including this annex) shall operate subject to the following provisions:

1. The following shall be substituted for section 4:

> "Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member of the Bank in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank."

2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Bank solely from this convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

3. The provisions of the convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Bank or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Bank or any of its members, Governors, Executive Directors, alternates, officers or employees by the Articles of Agreement of the Bank or by any statute, law or regulation of any member of the Bank or any political subdivision of any such member, or otherwise.

ANNEX VII.

World Health Organisation.

In their application to the World Health Organisation (hereinafter called "the Organisation") 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 Organisation, 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 Organisation 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 connection 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 Organisation;

(*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*) for the purpose of their communications with the Organisation, the right to use codes and to receive papers or correspondence by courier or in sealed bags.

(ii) The privileges and immunities set forth in paragraphs (*b*) and (*e*) above shall be accorded to persons serving on Expert Advisory Panels of the Organisation in the exercise of their functions as such.

(iii) Privileges and immunities are granted to the experts of the Organisation in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Organisation 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 Organisation.

3. Article V and Section 25, paragraphs 1 and 2 (I), of Article VII shall extend to the representatives of Associate Members participating in the work of the Organisation in accordance with Articles 8 and 47 of the Constitution.

4. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General, Assistant Director-General and Regional Director of the Organisation.

ANNEX VIII.

UNIVERSAL POSTAL UNION.

The standard clauses shall apply without modification.

ANNEX IX.

INTERNATIONAL TELECOMMUNICATION UNION.

The standard clauses shall apply without modification except that the International Telecommunication Union shall not claim for itself the enjoyment of privileged treatment with regard to the "Facilities in respect of communications" provided in Article IV, Section 11.

ANNEX X.

Annex X referred to the International Refugee Organisation, which was dissolved by Resolution No. 108 passed by its General Council on 15th February, 1952.

ANNEX XI.

WORLD METEOROLOGICAL ORGANISATION.

The standard clauses shall apply without modification.

ANNEX XII.

INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANISATION.

F15**[**1. The privileges and immunities, exemptions and facilities referred to in Article VI, Section 21 of the standard clauses shall be accorded to the Secretary-General of the Organisation, to the Deputy Secretary-General and to the Secretary of the Maritime Safety Committee, provided that the provisions of this paragraph shall not require the Member in whose territory the Organisation has its Headquarters to apply Article VI, Section 21 of the standard clauses to any person who is its national.

2. (*a*) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including time spent on journeys in connection with service on such committees or missions:

(i) immunity from personal arrest or seizure of their personal baggage;

(ii) 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 Organisation;

(iii) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are recorded to officials of foreign governments on temporary official missions;

(iv) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation;

(v) the right to use codes and to receive documents and correspondence by courier or in sealed dispatch bags for their communications with the Inter-Governmental Maritime Consultative Organisation.

In connection with Section 2 (a) (iv) and (v) above, the principle contained in the last sentence of Section 12 of the standard clauses shall be applicable.

(*b*) Privileges and immunities are granted to such experts in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Organisation 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 Organisation.**]**

ANNEX XIII.

International Finance Corporation.

In its application to the International Finance Corporation (hereinafter called "The Corporation") the Convention (including this annex) shall operate subject to the following provisions:

1. The following shall be substituted for Section 4:

"Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation."

2. Paragraph (*b*) of Section 7 of the standard clauses shall apply to the Corporation subject to Article III, Section 5 of the Articles of Agreement of the Corporation.

3. The Corporation in its discretion may waive any of the privileges and immunities conferred under Article VI of its Articles of Agreement to such extent and upon such conditions as it may determine.

4. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Corporation from this Convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

5. The provisions of the Convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Corporation or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Corporation or any of its members, Governors, Executive Directors, Alternates, officers and employees by the Articles of Agreement of the Corporation, or by any statute, law or regulation of any member of the Corporation or any political subdivision of any such member, or otherwise.

ANNEX XIV.

INTERNATIONAL DEVELOPMENT ASSOCIATION.

In its application to the International Development Association (hereinafter called "the Association") the Convention, including this annex, shall operate subject to the following provisions:

1. The following shall be substituted for section 4:

> "Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association."

2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Association from this Convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

3. The provisions of the Convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Association or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Association or any of its members, governors, executive directors, alternates, officers or employees by the Articles of Agreement of the Association, or by any statute, law or regulation of any member of the Association or any political subdivision of any such member, or otherwise.

FIFTH SCHEDULE.

GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE.

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Kingdom of Greece, the Irish Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Kingdom of Sweden, the Turkish Republic and the United Kingdom of Great Britain and Northern Ireland;

Whereas under the provisions of Article 40, paragraph (*a*), of the Statute, the Council of Europe, representatives of Members and the Secretariat shall enjoy in the territories of its Members such privileges and immunities as are necessary for the exercise of their duties;

Whereas under the provisions of paragraph (*b*) of the above-mentioned Article, the Members of the Council have undertaken to enter into an agreement for the purposes of fulfilling the provisions of the said paragraph;

Whereas in pursuance of the above-mentioned paragraph (*b*), the Committee of Ministers has recommended to Member Governments the acceptance of the following provisions;

Have agreed as follows:

PART I.

PERSONALITY—CAPACITY.

ARTICLE 1.

The Council of Europe shall possess juridical personality. It shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

In these matters the Secretary-General shall act on behalf of the Council of Europe.

ARTICLE 2.

The Secretary-General shall co-operate at all times with the competent authorities of the 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, exemptions and facilities enumerated in the present Agreement.

PART II.

PROPERTY, FUNDS AND ASSETS.

ARTICLE 3.

The Council, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case, the Committee of Ministers has expressly authorised the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

ARTICLE 4.

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

ARTICLE 5.

The archives of the Council, and in general all documents belonging to it or held by it, shall be inviolable wheresoever located.

ARTICLE 6.

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

(*a*) the Council may hold currency of any kind and operate accounts in any currency;

(*b*) the Council may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency;

(*c*) in exercising its rights under sub-paragraphs (*a*) and (*b*) above, the Council of Europe shall pay due regard to any representations made by the Government of a Member and shall defer to such representations in so far as it considers this can be done without detriment to the interests of the Council.

Article 7.

The Council, its assets, income and other property shall be exempt:

(*a*) from all direct taxes; the Council will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;

(*b*) from all customs duties and prohibitions and restrictions on imports and exports in respect of articles required by the Council for its official use; articles imported under such exemption will not be sold in the country into which they are imported, except under conditions approved by the Government of that country;

(*c*) from all customs duties, and prohibitions and restrictions on imports and exports in respect of its publications.

PART III.

Communications.

Article 8.

The Committee of Ministers and the Secretary-General shall enjoy in the territory of each Member, for their official communications, treatment at least as favourable as that accorded by that Member to the diplomatic missions of any other Government.

No censorship shall be applied to the official correspondence and other official communications of the Committee of Ministers and of the Secretariat.

PART IV.

Representatives of Members to the Committee of Ministers.

Article 9.

Representatives at the Committee of Ministers 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 or aliens registration 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 comparable rank of diplomatic missions.

(*f*) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Article 10.

In order to secure for the representatives at the Committee of Ministers 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.

Article 11.

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 connection with the Committee of Ministers. Consequently, a Member not only has the right, but is under a duty to waive the immunity of its representative 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.

Article 12.

(*a*) The provisions of Articles 9, 10 and 11 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.

(*b*) In Articles 9, 10, 11 and 12 (*a*) above, the expression "representatives" shall be deemed to include all representatives, alternate representatives, advisers, technical experts and secretaries of delegations.

PART V.

Representatives to the Consultative Assembly.

Article 13.

No administrative or other restriction shall be imposed on the free movement to and from the place of meeting of Representatives to the Consultative Assembly and their substitutes.

Representatives and their substitutes shall, in the matter of customs and exchange control, be accorded:

(*a*) by their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;

(*b*) by the Governments of other Members, the same facilities as those accorded to representatives of foreign Governments on temporary official duty.

Article 14.

Representatives to the Consultative Assembly and their substitutes shall be immune from all official interrogation and from arrest and all legal proceedings in respect of words spoken or votes cast by them in the exercise of their functions.

ARTICLE 15.

During the sessions of the Consultative Assembly, the Representatives to the Assembly and their substitutes, whether they be Members of Parliament or not, shall enjoy:

(*a*) on their national territory, the immunities accorded in those countries to Members of Parliament;

(*b*) on the territory of all other Member States, exemption from arrest and prosecution.

This immunity also applies when they are travelling to and from the place of meeting of the Consultative Assembly. It does not, however, apply when Representatives and their substitutes are found committing, attempting to commit, or just having committed an offence, nor in cases where the Assembly has waived the immunity.

PART VI.

OFFICIALS OF THE COUNCIL.

ARTICLE 16.

In addition to the immunities and privileges specified in Article 18 below, the Secretary-General and Deputy Secretary-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.

ARTICLE 17.

The Secretary-General will specify the categories of officials to which the provisions of Article 18 below shall apply. He shall communicate them 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 above mentioned Governments.

ARTICLE 18.

Officials of the Council of Europe shall:

(*a*) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority;

(*b*) be exempt from taxation on the salaries and emoluments paid to them by the Council of Europe;

(*c*) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;

(*d*) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government concerned;

(*e*) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(*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, and to re-export the same free of duty to their country of domicile.

Article 19.

Privileges and immunities are granted to officials in the interests of the Council of Europe 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 Council of Europe. In the case of the Secretary-General and of the Deputy Secretary-General, the Committee of Ministers shall have the right to waive immunity.

PART VII.

Supplementary Agreements.

Article 20.

The Council may conclude with any Member or Members supplementary agreements modifying the provisions of this General Agreement, so far as that Member or those Members are concerned.

PART VIII.

Disputes.

Article 21.

Any dispute between the Council and private persons regarding supplies furnished, services rendered or immovable property purchased on behalf of the Council, shall be submitted to arbitration, as provided in an administrative order issued by the Secretary-General with the approval of the Committee of Ministers.

PART IX.

Final Provisions.

Article 22.

The present Agreement shall be ratified. Instruments of ratification shall be deposited with the Secretary-General. The Agreement shall come into force as soon as seven signatories have deposited their instruments of ratification.

Nevertheless, pending the entry into force of the Agreement in accordance with the provisions of the preceding paragraph, the signatories agree, in order to avoid any delay in the efficient working of the Council, to apply it provisionally from the date of signature, so far as it is possible to do so under their respective constitutional systems.

In witness whereof the undersigned Plenipotentiaries being duly authorised to that effect, have signed the present General Agreement.

Done at Paris, this 2nd day of September, 1949, in French and in English, both texts being equally authentic, in a single copy which shall remain in the Archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatories.

FIRST PROTOCOL TO THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE.

The Governments signatory to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on the 2nd September, 1949 (hereinafter referred to as "the Agreement"),

Desirous of extending the provisions of the Agreement,

Have agreed as follows:—

ARTICLE 1.

Any present or future Member of the Council of Europe not a signatory of the Agreement may accede to the latter and to this Protocol by depositing its instrument of accession to them both with the Secretary-General of the Council of Europe, who shall notify the Members of the Council thereof.

ARTICLE 2.

(*a*) The provisions of Part IV of the Agreement shall apply to representatives attending meetings of the Ministers' Deputies.

(*b*) The provisions of Part IV of the Agreement shall apply to representatives other than representatives to the Consultative Assembly attending meetings convened by the Council of Europe and held when neither the Committee of Ministers nor the Ministers' Deputies are in session save that representatives attending such meetings shall not be exempt from arrest and prosecution when found committing, attempting to commit, or just having committed an offence.

ARTICLE 3.

The provisions of Article 15 of the Agreement shall apply to representatives to the Assembly, and their substitutes, at any time when they are attending or travelling to and from, meetings of Committees and Sub-Committees of the Consultative Assembly, whether or not the Assembly is itself in session at such time.

ARTICLE 4.

The permanent representatives of Members of the Council of Europe shall, while exercising their functions and during their journey to and from the place of meetings, enjoy the privileges, immunities and facilities normally enjoyed by diplomatic envoys of comparable rank.

ARTICLE 5.

Privileges, immunities and facilities are accorded to the representatives of Members not for the personal benefit of the individuals concerned, but in order to safeguard the independent exercise of their functions in connection with the Council of Europe. Consequently, a Member has not only the right but the duty to waive the immunity of its representative in any case where, in the opinion of the Member, the immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded.

ARTICLE 6.

The provisions of Article 4 are not applicable in relation to the authorities of the State of which the person is a national or of the Member of which he is or has been a representative.

ARTICLE 7.

(*a*) This Protocol shall be open to signature by all Members which have signed the Agreement. The Protocol shall be ratified at the same time as or after the ratification of the Agreement. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

(*b*) This Protocol shall enter into force on the day when it shall have been ratified by all the signatories who at that date have ratified the Agreement, on condition that the number of signatories who have ratified the Agreement and the Protocol shall not be fewer than seven.

(*c*) As regards any signatory ratifying subsequently, the Protocol shall enter into force at the date of the deposit of its instrument of ratification.

(*d*) In the case of Members which have acceded to the Agreement and Protocol in accordance with the terms of Article 1 the Agreement and Protocol shall enter into force:

(i) On the date specified in paragraph (*b*) above in cases where the instrument of accession has been deposited prior to this date; or

(ii) On the date of deposit of the instrument of accession in cases where this instrument is deposited at a date subsequent to that specified in paragraph (*b*) above.

In witness hereof the undersigned, being duly authorised thereto, have signed the present Protocol.

Done at Strasbourg on the 6th day of November, 1952, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall transmit certified copies to each of the signatory and acceding Governments.

SECOND PROTOCOL TO THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE.

The Governments signatory hereto, being Members of the Council of Europe,

Considering that, under the terms of Article 59 of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4th November, 1950, the members of the European Commission of Human Rights (hereinafter referred to as "the Commission") are entitled, during the discharge of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the Agreements made thereunder;

Considering that it is necessary to specify and define the said privileges and immunities in a Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2nd September, 1949,

Have agreed as follows:—

ARTICLE 1.

The members of the Commission shall, while exercising their functions and during their journeys to and from their 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*) exemption in respect of themselves and their spouses from immigration restrictions or aliens registration in the State which they are visiting or through which they are passing in the exercise of their functions.

ARTICLE 2.

1. No administrative or other restrictions shall be imposed on the free movement of members of the Commission to and from the place of meeting of the Commission.

2. Members of the Commission shall, in the matter of customs and exchange control, be accorded:

(*a*) by their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;

(*b*) by the Governments of other Members, the same facilities as those accorded to representatives of foreign Governments on temporary official duty.

ARTICLE 3.

In order to secure for the members of the Commission 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.

ARTICLE 4.

Privileges and immunities are accorded to the members of the Commission, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions. The Commission alone shall be competent to waive the immunity of its members; it has not only the right, but is under a duty, to waive the immunity of one of its members in any case where, in its opinion, 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.

ARTICLE 5.

This Protocol shall be open to the signature of the Members of the Council of Europe who may become Parties to it either by:

(*a*) signature without reservation in respect of ratification or by

(*b*) signature with reservation in respect of ratification followed by ratification.

Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

ARTICLE 6.

1. The Protocol shall enter into force as soon as three Members of the Council of Europe shall, in accordance with Article 5, have signed it without reservation in respect of ratification or shall have ratified it.

2. As regards any Member subsequently signing it without reservation in respect of ratification, or ratifying it, this Protocol shall enter into force at the date of signature or deposit of the instrument of ratification.

ARTICLE 7.

The Secretary-General of the Council of Europe shall notify Members of the Council of the date of entry into force of this Protocol and shall give the names of any Members who have signed it without reservation in respect of ratification or who have ratified it.

In witness whereof the undersigned, being duly authorised to that effect, have signed the present Protocol.

Done at Paris, this 15th day of December, 1956, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall send certified copies to each of the signatory Governments.

F16[THIRD PROTOCOL

to the General Agreement on Privileges and Immunities of the Council of Europe

The governments signatory hereto, being members of the Council of Europe, signatories of the General Agreement on Privileges and Immunities of the Council of Europe or Parties to the said Agreement and, at the same time, members of the Council of Europe Resettlement Fund for National Refugees and Over-population;

Having regard to the provisions of Articles 1 and 9.g of the Articles of Agreement of the aforesaid Fund;

Having regard to Article 40 of the Statute of the Council of Europe;

Desirous of defining the legal regime of the property, assets and operations of the Resettlement Fund, and the legal status of its organs and officials;

Considering that it is necessary to facilitate the realisation of the statutory purposes of the Fund by the most generous possible reduction in direct or indirect taxation affecting the operations of the Fund and borne ultimately by the beneficiaries of loans granted by the Fund;

Desirous of supplementing, in respect of the Resettlement Fund, the provisions of the General Agreement on Privileges and Immunities of the Council of Europe,

Have agreed as follows:

PART I—**Articles of Agreement, personality, capacity**

Article 1

The Articles of Agreement of the Council of Europe Resettlement Fund, as approved by the Committee of Ministers in Resolution (56) 9, or as amended by the aforesaid Committee, or by the Governing Body acting within the limits laid down in Article 9.h of the said Articles of Agreement, shall be an integral part of the present Protocol.

The Council of Europe Resettlement Fund shall possess juridical personality and, in particular, the capacity:

i to contract;

ii to acquire and dispose of immovable and movable property;

iii to institute legal proceedings;

iv to carry out any transaction related to its statutory purposes.

The operations, acts and contracts of the Resettlement Fund shall be governed by this Protocol, by the Articles of Agreement of the Fund and by regulations issued in pursuance of the said Articles of Agreement. In addition, a national law may be applied in a particular case, provided that the Fund expressly agrees thereto and that such law does not derogate from this Protocol nor from the said Articles of Agreement.

PART II—**Courts, property, assets, operations**

Article 2

Any competent court of a Member of the Fund or of a State in whose territory the Fund has contracted or guaranteed a loan may hear suits in which the Fund is a defendant.

Nevertheless:

i. No action shall be brought in such courts, either against the Fund by a Member or persons acting for or deriving claims from a Member, or by the Fund against a Member or the persons aforesaid;

ii. Differences arising out of any loan or guarantee contract concluded by the Fund with a Member or with any other borrower approved by that Member shall be settled by arbitration in accordance with procedure laid down in the said contract. Differences arising out of any loan or guarantee contract signed by the Fund shall be settled by arbitration procedure under arrangements specified in the Loan Regulations drawn up in pursuance of Article 10, Section 1.d, of the Articles of Agreement of the Fund.

Article 3

The property and assets of the fund, wheresoever located and by whomsoever held, shall be immune from all forms of seizure, attachment or execution before the delivery against the Fund of an enforceable judgement which can no longer be disputed by common remedies at law.

Enforcement of awards by execution, where such awards result from arbitration in accordance with the third paragraph of Article 2 shall, in the territory of Members of the Fund, take place through the legal channels prescribed in each such Member State and after endorsement with the executory formula customary in the State in whose territory the award is to be executed; for the purpose of such endorsement, no check shall be required other than verification that the award is authentic, that it conforms to the rules concerning competence and procedure set forth in the Loan Regulations of the Fund and that it does not conflict with a final judgement passed in the country concerned. Each signatory shall, on deposit of its instrument of ratification, notify the other signatories through the Secretary General of the Council of Europe what authority is competent under its laws to discharge this formality.

Article 4

The property and assets of the Fund, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of distraint by executive or legislative action.

The buildings and premises used for the operations of the Fund, and also its archives, shall be inviolable.

Article 5

To the extent necessary to the achievement of its statutory purposes the Fund may:

a hold currency of any kind and operate accounts in any currency;

b freely transfer its funds through banking channels from one country to another or within any country and convert any currency held by it into any other currency.

In exercising its rights under this Article, the Fund shall pay due regard to any representations made to it by the Government of any Member.

Article 6

The property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Article 7

The Resettlement Fund and its assets, income and other property shall be exempt from all direct taxes.

The Resettlement Fund shall be exempt from all taxes in the territory of Members of the Fund in respect of transactions and operations relating to loans contracted by the Fund with a view to applying their proceeds, in accordance with its purpose, to the needs of refugees and surplus population or relating to loans granted or guaranteed by the Fund in accordance with its statutory provisions.

The Fund shall not be granted exemption from any rates, taxes or dues which are merely charges for public utility services.

Member Governments shall, whenever possible, make appropriate arrangements for:

a exemption from taxes on income derived from interest on bonds issued or loans contracted by the fund;

b the remission or return of excise duties and taxes which form part of the price to be paid for movable or immovable property or of the payment for services rendered, when the Fund, for official purposes, is making substantial purchases or procuring services the total cost of which includes such excise duties and taxes.

No tax of any kind shall be levied on any security or bond issued or guaranteed by the Fund (or any dividend or interest thereon) by whomsoever held:

a which discriminates against such security or bond solely because it is issued or guaranteed by the Fund; or

b if the sole legal basis for such tax is the place or currency in which the security or bond is issued, guaranteed, made payable or paid, or the location of the headquarters or of any office or place of business maintained by the Fund.

Article 8

The Fund shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles required for its official use, unless such prohibition or restrictions have been imposed for reasons of *ordre public*, safety or health. Articles imported under exemption will not be disposed of in any way in the country into which they are imported, except under conditions approved by the Government of that country.

PART III—**Organs**

Article 9

The organs referred to in Article 13 of the Articles of Agreement of the Fund shall enjoy in the territory of each Member State, for their official communications, treatment at least as favourable as that accorded by that Member to diplomatic missions of any other Government. No censorship shall be applied to the official correspondance and other official communications of the organs of the Fund.

Article 10

Members of the Governing Body, the Administrative Council and the Auditing Board shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority. They shall continue to enjoy such immunity after their terms of office have expired. In addition, they shall be accorded the same immunities from immigration restrictions and alien registration requirements and the same exhange

and travel facilities as are accorded by members to representatives of other Governments of the Fund having comparable rank. Sums paid to them in respect of expenses necessarily incurred in the discharge of their duties shall be exempt from taxation.

Article 11

The privileges and immunities are accorded to the individuals mentioned in Article 10 not for their own personal benefit, but in order to safeguard the independent exercise of their functions. Consequently, a member not only has the right, but is in duty bound, to waive the immunity of its representatives in any case where, in the opinion of the member, immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which it is accorded.

Article 12

a The provisions of Articles 10 and 11 may not be invoked by a representative against the authorities of the state of which he is or has been the representative;

b Articles 10, 11 and 12.a, shall apply equally to deputy representatives, advisers, technical experts and secretaries of delegations.

PART IV—**Officials**

Article 13

The Governor and officials of the Fund shall be accorded the privileges and immunities specified in Article 18 of the General Agreement on Privileges and Immunities of the Council of Europe.

The Governor will specify the categories of officials to which the provisions of the aforesaid Article shall apply.

The communications specified in Article 17 of the General Agreement on Privileges and Immunities of the Council of Europe shall be made by the Secretary General of the Council in respect of the Governor and also of the officials referred to in the preceding paragraph.

The Secretary General, after consulting the Governor, shall have the right and the duty to waive the immunity of any official in any case where he considers that immunity would impede the course of justice and can be waived without prejudice to the satisfactory operation of the Fund. In the case of the Governor, the governing Body of the Fund shall have the right to waive immunity.

PART V—**Application of the Agreement**

Article 14

The Governments of Member States of the Fund undertake to seek such constitutional authority as may be necessary to fulfil the statutory obligations assumed by those States *vis-à-vis* the Resettlement Fund. They undertake likewise to seek such authority in good time in order to be able to fulfil any undertakings into which they may have entered as borrower or guarantor, in accordance with Article VI, Section 3, of the Articles of Agreement of the Resettlement Fund.

Article 15

The Fund may conclude with any Member State special agreements on the detailed application of the provisions of the present Protocol, supplementing the said provisions or derogating from those of Article 13 above. It may likewise conclude agreements with any State which is not a member of the Fund, modifying the application of the provisions of the present Protocol so far as that State is concerned.

PART VI—**Final clauses**

Article 16

The present Protocol shall be ratified and the instruments of ratification deposited with the Secretary General of the Council of Europe. It shall enter into force as soon as three signatories representing at least one-third of the Fund's holdings have deposited their instruments of ratification. For the other Members of the Fund it shall enter into force on the date when their respective instruments of ratification are deposited.

Nevertheless, pending the entry into force of this Protocol in accordance with the foregoing paragraph, the signatories agree, in order not to delay the satisfactory operation of the Fund, to apply the Protocol provisionally from 1st September 1958, or, at latest, from the date of signature, to the extent compatible with their constitutional rules.

Article 17

Any Government which becomes a Member of the Resettlement Fund after the signature of the present Protocol may accede thereto by depositing an instrument of accession with the Secretary General of the Council of Europe. Such accession shall become effective on the date of deposit if this takes place after the Protocol has entered into force, and upon the date of such entry into force if the accession takes place prior to that date.

Any Government which has deposited an instrument of accession before the entry into force of the Protocol shall immediately apply the latter provisionally, to the extent compatible with its constitutional rules.

In witness whereof the undersigned plenipotentiaries have signed the present Protocol.

Done at Strasbourg, this 6th day of March 1959, in English and in French, both texts being equally authentic, in a single copy which shall remain in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatories or States acceding.**]**

FOURTH PROTOCOL TO THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE.

The Governments signatory hereto, being Members of the Council of Europe,

Considering that, under the terms of Article 59 of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4th November, 1950 (hereinafter referred to as "the Convention"), the members of the European Court of Human Rights (hereinafter referred to as "the Court") are entitled, during the discharge of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the Agreements made thereunder;

Considering that it is necessary to specify and define the said privileges and immunities in a Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2nd September, 1949;

Have agreed as follows:

ARTICLE 1.

For the purposes of this Protocol, the term "judges" means judges elected in accordance with Article 39 of the Convention as well as any *ad hoc* judge appointed by a State party concerned in pursuance of Article 43 of the Convention.

ARTICLE 2.

The judges shall, while exercising their functions and during journeys made in the exercise of their functions, 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*) exemption in respect of themselves and their spouses as regards any restrictions on their freedom of movement on exit from and return to their country of residence, and entry into and exit from the country in which they exercise their functions; and from aliens' registration in the country which they are visiting or through which they are passing in the exercise of their functions.

ARTICLE 3.

In the course of journeys undertaken in the exercise of their functions, the judges shall, in the matter of customs and exchange control, be accorded:

(*a*) by their own Government the same facilities as those accorded to senior Government officials travelling abroad on temporary official duty;

(*b*) by the Governments of other Members, the same facilities as those accorded to heads of diplomatic missions.

ARTICLE 4.

1. Documents and papers of the Court, judges and Registry, in so far as they relate to the business of the Court, shall be inviolable.

2. The official correspondence and other official communications of the Court, its members and the Registry may not be held up or subjected to censorship.

ARTICLE 5.

In order to secure for the judges 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.

ARTICLE 6.

Privileges and immunities are accorded to judges not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions. The Court alone, sitting in plenary session, shall be competent to waive the immunity of judges; it has not only the right, but is under a duty, to waive the immunity of a judge in any case where, in its opinion, 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.

ARTICLE 7.

1. The provisions of Articles 2 to 5 of this Protocol shall apply to the Registrar of the Court and to the Deputy Registrar when he is acting as the Registrar, without prejudice to any privileges and immunities to which they may be entitled under Article 18 of the General Agreement on Privileges and Immunities of the Council of Europe.

2. The provisions of Article 18 of the General Agreement on Privileges and Immunities of the Council of Europe shall apply to the Deputy Registrar of the Court in respect of his services as such when he is not acting as Registrar.

3. The privileges and immunities referred to in paragraphs 1 and 2 of this Article are accorded to the Registrar and Deputy Registrar, not for the personal benefit of the individuals themselves but to facilitate the discharge of their duties. The Court alone, sitting in plenary session, shall be competent to waive the immunity of its Registrar and Deputy Registrar; it has not only the right, but is under a duty to waive such immunity in any case where, in its opinion, 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.

ARTICLE 8.

1. Any State may, at the time of its signature without reservation in respect of ratification, of its ratification or at any time thereafter, declare, by notification addressed to the Secretary-General of the Council of Europe, that the present Protocol shall extend to all or any of the territories for whose international relations it is responsible and where, according to Article 63 of the Convention for the protection of Human Rights and Fundamental Freedoms, the said Convention applies.

2. The Protocol shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary-General of the Council of Europe.

ARTICLE 9.

This Protocol shall be open to the signature of the Members of the Council of Europe who may become parties to it either by:

(*a*) signature without reservation in respect of ratification, or by

(*b*) signature with reservation in respect of ratification followed by ratification.

Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

ARTICLE 10.

1. This Protocol shall enter into force as soon as three Members of the Council of Europe shall, in accordance with Article 9, have signed it without reservation in respect of ratification or shall have ratified it.

2. As regards any Member subsequently signing it without reservation in respect of ratification, or ratifying it, this Protocol shall enter into force at the date of signature or deposit of the instrument of ratification.

ARTICLE 11.

The Secretary-General of the Council of Europe shall notify Members of the Council of:

(*a*) the names of signatories and the deposit of any instrument of ratification;

(*b*) the date of entry into force of this Protocol.

In witness whereof the undersigned, being duly authorised to that effect, have signed the present Protocol.

Done at Paris, this 16th day of December, 1961, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall send certified copies to each of the signatory Governments.

SIXTH SCHEDULE

Enactments Repealed

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 6 of 1967	Income Tax Act, 1967.	Subsection (3) of section 49 and sections 341 and 342.
No. 18 of 1957	Bretton Woods Agreements Act, 1957.	Paragraphs (*a*) and (*b*) of subsection (8) of section 3.
No. 22 of 1958	International Finance Corporation Act, 1958.	Subsection (7) of section 3.
No. 35 of 1960	International Development Association Act, 1960.	Subsection (8) of section 3.

Number 8 *of* 1967

DIPLOMATIC RELATIONS AND IMMUNITIES ACT 1967

REVISED

Updated to 28 April 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Diplomatic Relations and Immunities Acts 1967 to 2006: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Diplomatic Relations and Immunities (Amendment) Act 2006* (10/2006), s. 7(2)). The Acts in this group are:

- *Diplomatic Relations and Immunities Act 1967* (8/1967)
- *Diplomatic Relations and Immunities (Amendment) Act 1976* (2/1976)
- *Council of Europe Development Bank Act 2004* (37/2004), ss. 4, 5(2)
- *Diplomatic Relations and Immunities (Amendment) Act 2006* (10/2006)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.