

IMMUNITIES AND PRIVILEGES OF THE ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION ADOPTED AT ITS SIXTH SESSION

Article I

Privileges and immunities are accorded under this Instrument not to benefit individuals, but to ensure the efficient performance of the functions of the Committee[♦]. Consequently, the Committee and the participating Governments have not only the right but also a duty to waive the immunity in any case where in their 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 II

JURIDICAL PERSONALITY

The Committee shall possess juridical personality and shall have the capacity to contract, to acquire and dispose of immovable and moveable property and to institute legal proceedings in its name.

Article III

PROPERTY, FUNDS AND ASSETS

(a) The Committee, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case the Committee expressly waived its immunity. It is however, understood, that no waiver of immunity shall extend to any measure of execution.

(b) The Committee, its property and assets as also its archive shall be inviolable and shall be immune from search, requisition, confiscation, expropriation and any other form of interference whether by the executive, administrative, juridical or legislative action in any of the participating countries. The premises occupied by the Committee for its Secretariat shall be likewise inviolable and immune from search provided the said premises are solely used for the purposes of the Committee.

(c) The Committee shall be immune from the regulations to exchange control in the matter of holding or transfer of its funds from one participating country to another. In exercising this right, the Committee shall pay due regard to any representations made by the Government of any participating country, insofar as it is considered that effect can be given such representations without detriment to the interests of the Committee.

[♦] "Committee" herein refers to Asian-African Legal Consultative Organization. At the 40th Annual Session, held at the Headquarters of AALCC in New Delhi in 2001, the name of the Committee was changed to Asian-African Legal Consultative Organization (AALCO)

However, the Committee shall not take out of any participating country more than what the Committee has brought in.

(d) The Committee, its assets, income and other property, whether owned or occupied by it, shall be exempt from all direct taxes; it is understood, however, that the Committee will not claim exemption from taxes which are in fact no more than charges for public utility services.

(e) The Committee shall be exempt from payment of customs duty as also prohibitions and restrictions on imports and exports of articles or publications imported or exported by it for its official use. It is understood that articles imported under such exemption will not be sold in the country to which they are imported, except under such conditions as have been agreed upon with the Government of that country, which in any case shall not exceed those extended to similar inter-governmental organizations.

Article IV

FACILITIES IN RESPECT OF COMMUNICATIONS

(a) The Committee and its Secretariat shall enjoy in each of the participating countries freedom of communications and no censorship shall be applied to the official correspondence of the Committee certified as such and bearing the official seal of the Committee/

(b) Nothing in this article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the participating Governments and the Committee.*

Article V

REPRESENTATIVES OF THE PARTICIPATING COUNTRIES OBSERVERS AND THE SECRETARY-GENERAL OF THE COMMITTEE

1. Representatives of the participating countries designated as members, alternate members and advisers as also observers and the Secretary-General or the Acting Secretary-General of the Committee shall during their stay in the country in which the session of the Committee is held and also during their journey to and from that country, enjoy the following:

(a) Immunity from personal arrest or detention and from seizure of the personal of the personal baggage and immunity from legal procedure in respect of words spoken or written and all acts done by them in their official capacity;

* The Delegate of Indonesia reserved his position on Article IV (b)

- (b) Inviolability of all papers and documents;
- (c) The right to receive papers or correspondence in sealed covers;
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations' in which the session of the committee is held and in the participating countries through which they are in transit for the purpose of attending the session of the committee;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to temporary diplomatic missions;
- (f) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic agents. The words 'personal baggage' in this section shall not be interpreted to include an automobile and other means of transportation. Personal baggage shall not, however, be sold in the country in which the session of the Committee is held without express authorization from the government of that country;
- (g) Such other privileges and immunities and facilities not inconsistent with the foregoing as the diplomatic agents 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;

Provided always that the immunities specified in the foregoing clauses can be waived in any individual case in regard to a member of the delegation, by the government of the participating country which the individual represents, and in case of the Secretary-General by the Committee itself.

2. The provisions of Article V are not applicable as between a representative and the authorities of the country of which he is a national or of which he is or has been the representative.

3. Where the incidence of any form of taxation depends upon residence, the periods during which the representatives of participating countries to the Committee and to conferences convened by the Committee are present in a participating country for the discharge of their duties, shall not be considered as periods of their residence.

Article VI

OFFICIALS OF THE SECRETARIAT

1. Officials of the Committee 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 Committee 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 immigrant 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 upon 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 duty furniture and effects within one year of the time when they first take up their posts in the country in question; the term "effects" in this section shall not be interpreted to include an automobile or other means of transportation;
- (g) Be exempt from national service obligations.

2. The immunities and privileges except those specified in clause 1(a) above shall not be applicable to the nationals of the country in question unless expressly extended by the participating country.

3. The Secretary of the Committee, with the approval of the Committee, shall communicate to the Governments of participating countries the categories of the officials to whom the provisions of this Article shall apply.

4. The immunities specified in the forgoing clauses can be waived in any individual case, in regard to an official of the Secretariat by the Secretary of the Committee, and in any case of the Secretary, by the Committee itself.

5. The Committee shall cooperate at all times with the appropriate authorities of participating countries 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

SETTLEMENT OF DIFFERENCES

If any participating country considers that there has been an abuse of any privilege or immunity conferred by this Instrument, consultations shall be held between

that country and the Committee to determine whether any such abuse has occurred, and if so, to attempt to ensure that no repetition occurs.