



THE ORGANIZATION OF THE ISLAMIC CONFERENCE (IMMUNITIES AND PRIVILEGES) ACT, 1977



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THE ORGANIZATION OF THE ISLAMIC CONFERENCE (IMMUNITIES AND PRIVILEGES) ACT, 1977.

Act No. XV of 1977

[5th May 1977]

An Act to give effect in Pakistan to the Agreement on Immunities and Privileges of the Organization of the Islamic Conference.

WHEREAS Pakistan has ratified the Agreement on Immunities and Privileges of the Organization of the Islamic Conference;

AND WHEREAS it is necessary to give effect in Pakistan to the said Agreement on Immunities and Privileges of the Organization of the Islamic Conference:

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Organization of the Islamic Conference (Immunities and Privileges) Act, 1977.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Provisions of the Agreement. Notwithstanding anything contained in any other law for the time being in force, the provisions of the Agreement on Immunities and Privileges of the Organization of the Islamic Conference set out in the Schedule shall, subject to the other provisions of this Act, have the force of law in Pakistan.

3. Certificate of the Federal Government. If any question arises whether or not any person is entitled to any privileges or immunities under this Act, a certificate issued by or under the authority of the Federal Government stating any fact relating to that question shall be conclusive evidence of that fact.

4. Power to amend the Schedule. The Federal Government may, by notification in the official Gazette, amend the Schedule in conformity with any amendment duly made in the provisions of the said Agreement set out therein.

5. [Repeal.] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Sch., II.

THE SCHEDULE

(See section 2)

Whereas Article VI (8) of the Charter of the Organization of the Islamic Conference provides :

"In the light of the agreement on immunities and privileges to be approved by the conference,

- (a) The Conference shall enjoy, in the Member States, such legal capacity, immunities and privileges as may be necessary for the exercise of its functions and the fulfilment of its objectives.
- (b) Representatives of member states shall enjoy such immunities and privileges as may be necessary for the exercise of their functions related to the Conference.
- (c) The staff of the Conference shall enjoy the immunities and privileges necessary for the performance of their duties as decided upon by the conference".

So, it is required to clarify in detail the varieties of immunities and privileges indicated in the Chapter, and to specify its scope and cases in which it is applied, in order to facilitate the functions of the Organization of Islamic Conference.

Consequently, the Seventh Islamic Conference of Foreign Ministers held in Istanbul, Republic of Turkey, on 12—15 May, 1976 (13—16 Jamad Al Awal 1396 H) has approved the Convention placed below.

CHAPTER I

JURIDICAL PERSONALITY

Article 1.—The Organization of the Islamic Conference shall possess juridical personality It shall have the capacity :

- (a) To acquire and dispose of immovable and movable property.
- (b) To contract.
- (c) To institute legal proceedings.

CHAPTER II

PROPERTY, FUNDS AND ASSETS

Article 2.—The Organization of the Islamic Conference, its property and assets, wherever located shall enjoy immunity from every form of legal process unless the Secretary General decides to waive it expressly. It is, however, understood that no waiving of immunity shall extend in any measure of execution.

Article 3 —The premises occupied by the Organization of the Islamic Conference shall be inviolable. Its property and assets wherever located shall be immune from search,

requisition, confiscation, expropriation and any other form of interference, by executive action.

Article 4.—The archives of the organization of the Islamic Conference and in general, all documents belonging to it, or held by it, shall be inviolable.

Article 5.—The organization may,

(1) Hold funds, gold or currency of any kind and operate accounts in any currency according to laws and regulations in force in Member States.

(2) Be free to transfer its funds, gold or currency from one country to another, or within the country itself and to convert it to any currency according to the laws in force. The Organization may not, in contravention of any regulations prevailing, transfer any amount of funds subjected to special restrictions, from one State, in excess of any amount it has brought into that State.

Article 6.—In exercising its rights under Article 5 above, the Organization of the Islamic Conference shall pay due regard to any representations made by Member States, in so far as is considered that effect can be given to such representations, without detriment to the interest of the Organization and Member States.

Article 7.—The Organization of the Islamic Conference, its movable or immovable property and its assets shall be :

- (a) Exempt from all direct taxes, except for those which are no more than charges for public utility services.
- (b) Exempt from custom duties, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organization, for its official use. Such articles, imported under such exemption, will not be sold in the country in which they were imported, except with the consent of the Government concerned.
- (b) Exempt from custom imports and exports in respect of its publications.

CHAPTER III

FACILITIES IN RESPECT OF COMMUNICATIONS

Article 8.—The Organization of the Islamic Conference shall enjoy, in the territory of each Member States, for its official communications, treatment not less favourable than that accorded by that State to the communications of any other Member State, including its diplomatic mission, in the matter of priorities and rates, taxes on mails, cables, telegrams, radiograms, telephone and other communications and press rates for information to the press and radio. No censorship shall be applied to such official correspondence and other official communications.

Article 9.—The Organization of the Islamic Conference may use codes and despatch its correspondence by couriers or bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

CHAPTER IV

THE REPRESENTATIVES OF MEMBER STATES

Article 10.—Representatives of Member States to the Principal and subsidiary organs and conferences convened by the organization, shall while exercising their functions and during the journey to and from the place of the meeting, enjoy the following immunities and privileges : ,

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage.
- (b) Immunity from legal process of any kind in respect of words spoken or written and acts done by them in their capacity as representatives.
- (c) Inviolability for all papers and documents.
- (d) The right to use codes and to receive papers or correspondence by courier or in sealed bags.
- (e) 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.
- (f) The facilities accorded to the representatives of Foreign States, delegated on temporary official missions in respect of laws relevant to currency and exchange.
- (g) The same immunities and facilities, in respect of their personal baggage, as accorded to diplomatic envoys.
- (h) Such other immunities and facilities, not inconsistent with the foregoing as diplomatic envoys, except that they shall have no right to claim exemptions from custom and excise duties on articles imported other than their personal baggage.

Article 11.—Representatives of Member States in the Principal and subsidiary organs of the Organisation of the Islamic Conference and in conferences convened by the Organization, shall enjoy immunity from legal process in respect of words spoken or written, in discharging their duties as representatives of their States in the organs of the Organization of the Islamic Conference notwithstanding that the persons concerned are no longer the representatives of Member States.

Article 12.—Periods spent by the representatives of Member States to the Principal and Subsidiary organs of the Organization of the Islamic Conference and to conferences