



THE UNITED NATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1948



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THE UNITED NATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1948

¹ACT NO. XX OF 1948

[16th June, 1948]

An Act to give effect to the Convention on the Privileges and Immunities of the United Nations.

WHEREAS it is expedient to give effect to the Convention on the Privileges and Immunities of the United Nations, and to enable similar privileges and immunities to be enjoyed by other international organizations and their representatives and officials;

It is hereby enacted as follows: —

1. Short title. This Act may be called the United Nations (Privileges and Immunities) Act, 1948.

¹ For Statement of objects and Reasons, see Gazette of India, 1947, Pt. V, pp. 277-278.

This Act has been applied to Baluchistan, see Gaz. of P., 1953, Pt. I, p. 8; and applied also in the Federated Areas of Baluchistan, see Gaz. of P., 1953, Pt. I, p. 152.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) order, 1950 (G.G.O. 3 of 1950).

2. Conferment on United Nations and its representatives and officers of certain privileges and immunities.—(1) Notwithstanding anything to the contrary contained in any other law, the provisions set out in the Schedule to this Act of the Convention on the Privileges and Immunities, adopted by the General Assembly of the United Nations on the 13th day of February 1946, shall have the force of law in Pakistan.

(2) The ¹[Federal Government] may, from time to time, by notification in the official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the said Convention set out therein.

3. Power to confer certain privileges and immunities on other international organizations and their representatives and officers. Where in pursuance of any international Agreement, convention or other instrument it is necessary to accord to any international organization² and its representatives and officers privileges and immunities in Pakistan similar to those contained in the provisions set out in the Schedule, the ¹[Federal Government] may, by notification in the official Gazette, declare that the provisions set out in the Schedule shall, subject to such modifications, if any, as it may consider necessary or expedient for giving effect to the said agreement, convention or other instrument apply *mutatis mutandis* to the international organization² specified in the notification and its representatives and officers, and hereupon the said provision shall apply accordingly and, notwithstanding anything to the contrary contained in any other law, shall in such application have the force of law in Pakistan.

4. Power to make rules.—The ¹[Federal Government] may make rules for carrying out the purposes of this Act.

¹ Subs. by F.A.O. 1975, Art. 2 and Table, for "Central Government".

² The provisions set out in the Schedule to this Act have, subject to certain modifications, been applied to the International Monetary Fund, see *Gaz. of P.*, 1952, Pt. 1952, Pt. I, pp. 66-68.

The provisions of the Schedule to the Act have been applied *mutatis mutandis* to the United Nations International Children's Emergency Fund and its representatives and officers, see *ibid.*, 1953, Pt. I, p. 146.

The provisions of the Schedule to the Act have been applied *mutatis mutandis*, subject to certain modifications to the International Atomic Energy Agency, see *ibid.*, 1965, Pt. I, p. 7.

¹THE SCHEDULE

(See section 2 and 3)

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.

¹ The Schedule of this Act has been amended in its application to the International Organization for Migration (I.O.M) by SRO 66(KE)/2001, dt 26-12-2000.

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.
