

**No. 50542**

---

**New Zealand  
and  
Organisation for Economic Co-operation and Development**

**Agreement between the Government of New Zealand and the Organisation for Economic Co-operation and Development on privileges and immunities of the Organisation in New Zealand. Paris, 22 December 1988**

**Entry into force:** *7 September 2012 by notification, in accordance with article 23*

**Authentic texts:** *English and French*

**Registration with the Secretariat of the United Nations:** *New Zealand, 21 March 2013*

---

**Nouvelle-Zélande  
et  
Organisation de coopération et de développement économiques**

**Accord entre le Gouvernement de la Nouvelle-Zélande et l'Organisation de coopération et de développement économiques relatif aux privilèges et immunités de l'Organisation en Nouvelle-Zélande. Paris, 22 décembre 1988**

**Entrée en vigueur :** *7 septembre 2012 par notification, conformément à l'article 23*

**Textes authentiques :** *anglais et français*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Nouvelle-Zélande, 21 mars 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

# AGREEMENT

## BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT ON PRIVILEGES AND IMMUNITIES OF THE ORGANISATION IN NEW ZEALAND

THE GOVERNMENT OF NEW ZEALAND AND THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (hereinafter called the “Organisation”)

CONSIDERING that the Government of New Zealand on 29 May 1973 acceded to the Convention on the Organisation for Economic Co-operation and Development of 14th December 1960; and

HAVING REGARD to the Supplementary Protocol No. 2 to the Convention on the Organisation for Economic Co-operation and Development and, in particular, paragraph (d) of that Protocol;

HAVE AGREED as follows:

### PART I – APPLICATION

#### *Article 1*

This Agreement shall not apply to Cook Islands, Niue or Tokelau.

### PART II – PERSONALITY, CAPACITY

#### *Article 2*

The Organisation 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.

### PART III – PROPERTY, FUNDS AND ASSETS

#### *Article 3*

The Organisation, 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 it has expressly waived its immunity. It is, however, understood that this does not imply waiver of immunity in respect of the execution of a judgment for which a separate waiver shall be necessary.

#### *Article 4*

The premises of the Organisation shall be inviolable. The property and assets of the Organisation, 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.

#### *Article 5*

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

#### *Article 6*

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

- a)* the Organisation may hold currency of any kind and operate accounts in any currency;
- b)* the Organisation may freely transfer its funds to or from New Zealand or within New Zealand and convert any currency held by it into any other currency.

#### *Article 7*

The Organisation, its assets, income and other property shall be:

- a)* exempt from all direct taxes: it is understood, however, that the Organisation shall not claim exemption from rates and taxes which are in fact charges for public utility services;
- b)* exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles directly imported or exported by the Organisation for its official use. It is understood, however, that articles

imported under such exemptions will not be sold in New Zealand except under conditions agreed with the Government of New Zealand;

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

#### PART IV – FACILITIES IN RESPECT OF COMMUNICATIONS

##### *Article 8*

The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside New Zealand), of any reduced rates applicable in relation to telegraphic communications by the press.

##### *Article 9*

The official correspondence and other official communications of the Organisation shall not be liable to any form of censorship.

#### PART V – THE REPRESENTATIVES OF MEMBERS

##### *Article 10*

Subject to the provisions of this Part, representatives of Members accredited to the Organisation or in attendance at an international conference convened by the Organisation shall, in the exercise of their functions and during their journey to and from the places of meeting, enjoy the following privileges and immunities, exemptions and facilities:

- a) the like immunity from suit and legal process as is accorded to a diplomatic agent;
- b) inviolability of papers and documents;
- c) the like exemption from taxes and rates as is accorded to a diplomatic agent;
- d) the like exemption from immigration requirements as that enjoyed by diplomatic agents;
- e) the like exemption from currency restrictions as is accorded to diplomatic agents of comparable rank.

*Article 11*

The privileges, immunities, exemptions and facilities referred to in Article 10 are accorded to the representatives specified therein not for the personal benefit of the individuals concerned but in order to safeguard the independent exercise of their functions in connection with the Organisation. Consequently, a Member may 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 12*

The provisions of Article 10 are not applicable to a representative of New Zealand or to a New Zealand citizen.

*Article 13*

In this Part V the expression «representatives» shall be deemed to include all delegates, alternates, advisers, technical experts and secretaries of delegations.

**PART VI – OFFICIALS**

*Article 14*

The categories of officials to which the provisions of this Part apply are those specified by the Secretary-General of the Organisation and submitted to the Council of the Organisation. The names of the officials included in these categories shall from time to time be made known to the Government of New Zealand.

*Article 15*

Officials of the Organisation shall enjoy the following privileges, immunities, exemptions and facilities:

- a) immunity from suit and other legal process in respect of acts done or omitted to be done by them in the course of their official duties; they shall continue to be so immune after completion of their functions as officials of the Organisation;
- b) exemption from taxes in respect of salaries and emoluments paid to them by the Organisation;
- c) the like exemption, together with their spouses and dependent relatives, from immigration requirements as that enjoyed by diplomatic agents;