

Diplomatic Immunities and Privileges

Cap. 18.

**DIPLOMATIC IMMUNITIES AND PRIVILEGES (FOOD
AND AGRICULTURE ORGANISATION OF THE
UNITED NATIONS) ORDER, 1996**

1996/65.

Authority: This Order was made on 14th June, 1996 by the Minister under section 6 of the *Diplomatic Immunities and Privileges Act*.

Commencement: 24th June, 1996.

1. This Order may be cited as the *Diplomatic Immunities and Privileges (Food and Agriculture Organisation of the United Nations) Order, 1996*.

A. The Organisation

2. The Food and Agriculture Organisation of the United Nations, in this Order referred to as "the Organisation", is an organisation of which the Government of Barbados and the governments of foreign sovereign powers are members.

3. The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. The property and assets of the Organisation shall not be subject to execution, and no waiver of immunity shall be construed as extending to any measure of execution.

4. The property and assets of the Organisation wherever located and by whomsoever held shall be immune from search, requisition, confiscation, expropriation and any form of interference.

5. The Organisation shall have inviolability of

- (a) the premises occupied as offices by the Organisation as are provided by the Government of Barbados and specified in the Annex to the Agreement Between the Government of Barbados and The Food and Agriculture Organisation of the United Nations Regarding the Food and Agriculture Organisation Sub-Regional Office for the Caribbean, signed on the 14th day of June, 1996; and
- (b) official archives and all documents belonging to or held by the Organisation.

6. The Organisation shall have exemption from taxes, rates, duties, tolls, levies or fees except such charges as are payable in respect of public utility services.

7. The Organisation shall be exempt from

- (a) the payment of taxes or duties on the importation or exportation; or
- (b) the prohibition or restriction of importation or exportation of goods, publications, still and moving pictures, videos, films and sound recordings for the official use of the Organisation, subject to compliance with such conditions as the Comptroller of Customs may prescribe.

8. The Organisation shall have the right to enjoy,

- (a) in respect of its official communications, treatment not less favourable than that accorded by the Government to any other international organisation, government or diplomatic mission; and
- (b) in respect of information to the press or radio, the applicable press rates.

9. The Organisation shall have the right to avail itself, in respect of telegraphic communications sent by it containing only matter intended for publication by the press, or broadcasting (including communications addressed to or despatched from places outside Barbados), of any reduced rates applicable for the corresponding service in the case of press telegrams.

10. (1) The Organisation shall be entitled

- (a) to hold gold funds or foreign currency and to operate accounts in any foreign currency;
- (b) to transfer its funds, securities, gold or currencies within Barbados or to any other country; and
- (c) to convert any currency held by it into any other currency.

(2) The Organisation, in exercise of the right referred to in sub-paragraph (1), shall pay due regard to any representation made by the Government to which effect can be given without undue detriment to the interest of the Organisation.

B. Independent Chairman of the Council of the Organisation and Representatives of Members

11. (1) Except in so far as in any particular case any privilege or immunity is expressly waived, in the case of the Independent Chairman of the Council of the Organisation, by the Council of the Food and Agriculture Organisation, and, in the case of representatives of members, by the governments whom they represent, the Independent Chairman of the Council of the Organisation and representatives of members shall enjoy

- (a) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;

- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as Chairman of the Council of the Organisation or representatives of members;
 - (c) while exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded by the laws of Barbados to an envoy of a foreign sovereign power accredited to Barbados, except that the relief allowed shall not include relief from customs and excise duties except in respect of goods other than those imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Barbados during any period when they are present in Barbados while exercising their functions or during their journey to and from the place of meeting.
- (2) For the purpose of this Order, the expression "representatives of members" includes the official staff of such representatives, accompanying them as representatives, delegates, advisers, technical experts or secretaries of delegations.
- (3) The provisions of this paragraph
- (a) shall not apply to Barbadians who are ordinarily resident in Barbados; and
 - (b) shall not confer any immunity or privilege upon any person as the representative of the Barbados Government in Barbados or as a member of staff of such representative.

C. High Officials

12. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the Organisation holding offices of Director-General, Deputy Director-General, Sub-regional Representative and Deputy Sub-regional Representative shall be accorded in respect of themselves, their spouses and children

under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, as is accorded by the laws of Barbados to an envoy of a foreign sovereign power accredited to Barbados, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. Persons Employed on Missions on Behalf of the Organisation

13. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or on behalf of, the Organisation shall enjoy

- (a) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of the personal baggage and inviolability of all papers and documents relating to the work of the Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed in missions on behalf of the Organisation.

E. Other Officials of the Organisation

14. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation (other than those referred in paragraphs 11 and 12 above) shall enjoy

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties; and
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

F. Transit and Sojourn

15. Except in so far as in any particular case any privilege or immunity is waived by the Organisation,

- (a) the Independent Chairman of the Council of the Organisation, representatives of members, the United Nations or any specialised Agency of the United Nations and their spouses;
- (b) officers of the Organisation and their families;
- (c) officers of the Sub-Regional Office of the Organisation, their families and other members of their households;
- (d) persons (other than officers of the Organisation) performing missions for the Organisation and their spouses; and
- (e) other persons invited to the sub-regional offices seat of the Organisation on official business

shall enjoy unimpeded entry into, sojourn in and departure from Barbados and transit to or from the Sub-Regional Office seat of the Organisation.

G. General

16. The names of the persons to whom the provisions of paragraphs 10, 11 and 14 of this Order apply shall be set forth in a list compiled and published from time to time by the Minister under section 8 or 10, as the case may be, of the Act, and such list shall show in regard to each person the date as from which, for the purposes of this Order, he first held the office or employment in question, and the date when he ceased to hold that office or employment.