

**INTERNATIONAL ORGANISATIONS AND CONFERENCES
(PRIVILEGES AND IMMUNITIES) ACT**

Act 47 of 1970 – 20 December 1971

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|--|--|
| PART I – PRELIMINARY | 14. Privileges and immunities of organisations |
| 1. Short title | PART IV – INTERNATIONAL COUNCILS |
| 2. Interpretation | 15. Application of Part IV |
| PART II – THE UNITED NATIONS AND THE INTERNATIONAL COURT OF JUSTICE | 16. Legal capacity of Councils |
| 3. Interpretation | 17. Privileges and immunities of Councils |
| 4. Legal capacity of Organisation | PART V – GENERAL |
| 5. Privileges and immunities of Organisation | 18. Organisations to which this Part applies |
| 6. Privileges and immunities of Judges and Registrar | 19. Designation of organisations |
| 7. Privileges and immunities of advocates | 20. Legal capacity of organisations |
| 8. Privileges and immunities of other persons | 21. Privileges and immunities of organisation |
| 9. Immunities of officials | 22. Privileges and immunities of judicial bodies |
| 10. Waiver of privileges and immunities | 23. International conferences in Mauritius |
| PART III – SPECIALISED AGENCIES OF THE UNITED NATIONS | 24. Persons attending conferences in Mauritius |
| 11. Interpretation | 25. Financial provisions |
| 12. Amendment of annex to Convention | 26. Evidence |
| 13. Legal capacity of organisations | 27. Reciprocal treatment |

**INTERNATIONAL ORGANISATIONS AND CONFERENCES
(PRIVILEGES AND IMMUNITIES) ACT**

PART I – PRELIMINARY

1. Short title

This Act may be cited as the International Organisations and Conferences (Privileges and Immunities) Act.

2. Interpretation

In this Act—

“Minister” means the Minister to whom responsibility for the subject of foreign affairs is assigned.

PART II – THE UNITED NATIONS AND THE INTERNATIONAL COURT OF JUSTICE

3. Interpretation

In this Part—

“Convention” means the General Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;

“Court” means the International Court of Justice;

“Organisation” means the United Nations Organisation.

4. Legal capacity of Organisation

The Organisation shall be a body corporate.

5. Privileges and immunities of Organisation

The Organisation and its property, and any person to whom the Convention applies and his property, shall have and enjoy inviolability, exemptions, facilities, privileges, immunities and rights in the manner, to the extent and subject to the limitations, including the provisions relating to waiver, specified in each case in the Convention.

6. Privileges and immunities of Judges and Registrar

The Judges of the Court, the Registrar and any person acting as Registrar of the Court shall, when engaged on the business of the Court and during any journey connected with the exercise of their functions, have and enjoy the same inviolability, exemptions, facilities, privileges, immunities and rights as are accorded to the head of a diplomatic mission under the Diplomatic Relations Act.

7. Privileges and immunities of advocates

Any person, not being a citizen of Mauritius, who is engaged in appearing before the Court as representative of the Government of a foreign State or as advocate shall, when so engaged and during any journey connected with the matters on which he is so engaged, have and enjoy privileges and immunities corresponding to those conferred by sections 11 to 13 of Article IV of the Convention.

8. Privileges and immunities of other persons

Any person engaged in appearing as a witness before the Court or in performing duties assigned to him by the Court, and any assessor of the Court engaged on the business of the Court, shall, while so engaged and during any journey connected with the matters on which they are so engaged, have and enjoy privileges and immunities corresponding to those conferred by section 22 of Article VI of the Convention.

9. Immunities of officials

Any official of the Court shall, when engaged on the business of the Court and during any journey connected with that business, have and enjoy such facilities and immunities as may be necessary for the independent exercise of his functions.

10. Waiver of privileges and immunities

(1) The inviolability and the exemptions, facilities, privileges, immunities and rights conferred by sections 6 and 8 may be waived by the Court.

(2) The privileges and immunities conferred by section 7 may be waived by the Government of the State they represent before the Court.

(3) The facilities and immunities conferred by section 9 may be waived by the Registrar of the Court.

PART III – SPECIALISED AGENCIES OF THE UNITED NATIONS

11. Interpretation

In this Part—

“Convention” means the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations adopted by the General Assembly of the United Nations on 21 November 1947;

“organisation to which this Part applies” means—

- (a) the International Labour Organisation;
- (b) the Food and Agriculture Organisation of the United Nations;
- (c) the International Civil Aviation Organisation;
- (d) the United Nations Educational, Scientific and Cultural Organisation;
- (e) the World Health Organisation;
- (f) the Universal Postal Union;
- (g) the International Telecommunications Union;
- (h) the World Meteorological Organisation;
- (i) the International Maritime Organisation.

12. Amendment of annex to Convention

Where a revised annex incorporating amendments to an annex to the Convention is transmitted to the Secretary-General of the United Nations Organisation under section 38 of the Convention, the Minister may, by regulations, provide that the revised annex be substituted for that annex to the Convention.

13. Legal capacity of organisations

Every organisation to which this Part applies shall be a body corporate.

14. Privileges and immunities of organisations

Every organisation to which this Part applies and its property, and any person to whom the Convention applies and his property, shall have and enjoy inviolability, exemptions, facilities, privileges, immunities and rights in the manner, to the extent and subject to the limitations, including the provisions relating to waiver, specified in each case in the Convention in accordance with sections 33, 36 and 38 of the Convention.

PART IV – INTERNATIONAL COUNCILS

15. Application of Part IV

(1) This Part applies to—

- (a) the International Wheat Council established under the Wheat Trade Conventions of 1967;
- (b) the International Sugar Council established under the International Sugar Agreement of 1968;
- (c) any International Council or other similar body designated under subsection (2).

(2) The Minister may, by regulations, designate an International Council or other similar body established under any international agreement to which Mauritius is or intends to become a party to be a Council to which this Part applies and, for the purposes of section 17, make provision for the inviolability, exemptions, facilities, privileges, immunities and rights of any Council to which this Part applies.

16. Legal capacity of Councils

Every Council to which this Part applies shall be a body corporate.

17. Privileges and immunities of Councils

Every Council to which this Part applies and its organs and property, any person who is a member of any of its organs, any official of the Council or any delegate or representative of a State or Government that is a member of the Council or is performing duties assigned to him by the Council and any person, being a spouse of that person or a member of his family depending on him, shall have and enjoy inviolability, exemptions, facilities, privileges, immunities and rights in the manner, to the extent and subject to the limitations, including the provisions relating to waiver, specified in each case by regulations made under section 15.

PART V – GENERAL

18. Organisations to which this Part applies

In this Part, “organisation to which this Part applies” means an international organisation designated under section 19.

19. Designation of organisations

The Minister may, by regulations, designate an international organisation established under an international agreement to which Mauritius is or intends to become a party to be an organisation to which this Part applies and, for the purposes of section 21, make provision for the inviolability, exemptions, facilities, privileges, immunities and rights of any organisation to which this Part applies.

20. Legal capacity of organisation

An organisation to which this Part applies shall be a body corporate.

21. Privileges and immunities of organisations

An organisation to which this Part applies, its institutions or organs, and its property, any person who is a member of any of its institutions or organs, any official of the organisation or a delegate or a representative of a State or Government that is a member of the organisation or is performing duties assigned to him by the organisation and any person, being a spouse of that person or a member of his family dependent on him, shall have and enjoy inviolability, exemptions, facilities, privileges, immunities and rights in the manner, to the extent and subject to the limitations, including the provisions relating to waiver, specified in each case in regulations made under section 19.

22. Privileges and immunities of judicial bodies

(1) The Minister may, in relation to an international judicial or semi-judicial tribunal set up under an agreement to which Mauritius is or intends to become a party or an arbitration or conciliation tribunal set up by, on behalf of or for the purposes of an international organisation to which this Part applies, by regulations, make provision for the inviolability, exemptions, facilities, privileges, immunities and rights to be accorded to Judges and registrars of the tribunal, to persons engaged in appearing as advocates or witnesses before the tribunal or in performing duties assigned to them by the tribunal and to persons who are parties to a suit before the tribunal.

(2) A tribunal or person referred to in subsection (1) shall have and enjoy inviolability, exemptions, facilities, privileges, immunities and rights in the manner, to the extent and subject to the limitations, including the provisions relating to waiver, specified in each case in regulations made under this section.

23. International conferences in Mauritius

The Minister may, in relation to a conference which is being or will be held in Mauritius, cause notice of the holding of the conference and the dates of the conference to be published in the *Gazette*.

24. Persons attending conferences in Mauritius

Any person attending a conference in Mauritius in respect of which a notice has been published under section 23, shall, during the conference and on the day immediately preceding and the day immediately following the

conference, have and enjoy the same inviolability, exemptions, facilities, privileges, immunities and rights as are accorded to a member of a diplomatic mission under the Diplomatic Relations Act.

25. Financial provisions

Any amount which may be required to be refunded under this Act shall be paid out of the Consolidated Fund.

26. Evidence

Where in any proceedings before any Court any question arises whether or not any person or body is entitled to any privilege or immunity under this Act, a certificate issued by or under the authority of the Minister stating any fact relating to that question shall be conclusive evidence of that fact.

27. Reciprocal treatment

Notwithstanding this Act, the Minister may decline to accord privileges and immunities, or withdraw privileges and immunities, from nationals or representatives of any State on the ground that that State fails or has failed to accord corresponding privileges and immunities to citizens or representatives of Mauritius.
