

AGREEMENT

BETWEEN THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT AND THE GOVERNMENT OF THE REPUBLIC OF KOREA ON THE PRIVILEGES AND IMMUNITIES GRANTED TO THE ORGANISATION

**THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
AND THE GOVERNMENT OF THE REPUBLIC OF KOREA**
(HEREAFTER CALLED THE PARTIES),

CONSIDERING the aims of the Organisation for Economic Co-operation and Development and the need to enable it to efficiently discharge its responsibilities and fulfill its tasks;

HAVING REGARD to paragraph 24 of the Communiqué adopted by the Council of the Organisation for Economic Co-operation and Development meeting at ministerial level on 7 and 8 June 1994 welcoming Korea's intention to formally apply for membership and inviting the Organisation to examine the terms and conditions of Korea's membership; and

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

HAVE AGREED as follows:

Article 1 - Definitions

For the purposes of this Agreement:

- (a) "Government" means the Government of the Republic of Korea;
- (b) "Organisation" means the Organisation for Economic Co-operation and Development;
- (c) "representatives" means all delegates, alternates, advisers, technical experts and secretaries of delegations;

- (d) "officials" means the categories of officials to which the provisions of this Agreement apply as specified by the Secretary-General. The names of the officials included in these categories shall be made known, from time to time, to the Government;
- (e) "premises of the Organisation" means buildings or parts thereof (including the land ancillary thereto), utilised permanently or temporarily for official purposes of the Organisation;
- (f) "archives of the Organisation" means all records and correspondence, documents and other material, including tapes and films, sound recordings, computer software and written material, video tapes and discs belonging to or held by the Organisation or on its behalf;
- (g) "Members" means countries or other entities which are Members of the Organisation;
- (h) "non-member participants" means countries not members of the Organisation or international organisations, which have received an invitation from the Organisation to participate, as observers or on any other basis, in a meeting convened by the Organisation; and
- (i) "meeting convened by the Organisation" means any meeting of a body of the Organisation, and any other meeting, international conference or gathering convened by the Organisation.

Article 2 – Juridical personality

The Organisation possesses juridical personality. It has the capacity:

- (a) to conclude contracts;
- (b) to acquire and dispose of movable and immovable property; and
- (c) to institute legal proceedings.

Article 3 – Property and Assets

1. 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 no waiver of immunity shall extend to any measure of execution.

2. The property and assets of the Organisation, wherever located and by whomsoever held, shall not be subject to search, requisition, confiscation, expropriation or any other form of interference whether by administrative, judicial or legislative action.

Article 4 - Premises

The premises of the Organisation shall be inviolable. Any person exercising any public authority within the Republic of Korea shall enter the premises of the Organisation only with the consent of, and under conditions approved by, the Organisation.

Article 5 - Archives

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

Article 6 - Currency

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; and
- (b) the Organisation may freely transfer its funds within, into and out of the territory of Republic of Korea and convert any currency held by it into any other currency under the same conditions as those which apply to any other international organisation or foreign government.

Article 7 - Exemptions

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

- (a) any form of direct taxation; however, the Organisation will not claim exemption from rates and taxes which constitute no more than a payment for public utilities;
- (b) customs duties, prohibitions or restrictions on imports or exports in respect of articles imported or exported by the Organisation for its official use. It is understood, however, that articles imported under such exemption will not be sold in the Republic of Korea, except under conditions agreed with the Government;
- (c) customs duties, restrictions or prohibitions on imports and exports in respect of its publications; and
- (d) any form of indirect taxation on goods and services purchased for official purposes including taxes forming part of the price to be paid for such goods and services, under the same conditions as those which apply to other international organisations in the Republic of Korea.

Article 8 – Facilities in respect of Communications

1. The Organisation shall enjoy, for its official communications, treatment not less favourable than that accorded by the Republic of Korea to any foreign government, including its

diplomatic missions, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telefaxes, telephone and other communications and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall enjoy the right, for its official communications, to use codes and to send and receive correspondence and other papers and documents by courier.

Article 9 – Representatives of Members and non-member participants

1. Representatives of Members and non member participants to a meeting convened by the Organisation shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:
 - (a) immunity from personal arrest and detention, from seizure of their personal baggage and from legal process of any kind;
 - (b) inviolability for all papers and documents;
 - (c) the right to use codes and to receive papers or correspondence by courier;
 - (d) exemption in respect of themselves and their spouses from immigration restrictions, alien registration and national service obligations;
 - (e) the same facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions; and
 - (g) such other privileges and immunities, not inconsistent with the foregoing, as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.
2. In order to secure for representatives of Members and non-member participants complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members or non-member participants.
3. Privileges, immunities and facilities are accorded to the representatives of Members and non-member participants not for their personal benefit but only in order to safeguard the independent exercise of their functions in connection with the Organisation. Consequently, a Member or a non-member participant has not only the right but the duty to waive the immunity of its representative in any case where, in the opinion of the Member or non-member participant, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

4. The provisions of this Article are not applicable to representatives of the Republic of Korea.

Article 10 - Officials

Officials of the Organisation shall:

- (a) enjoy immunity from arrest or detention for acts performed in their official capacity and from seizure of their baggage;
- (b) enjoy immunity from legal process for acts performed in their official capacity; they shall continue to be so immune after completion of their functions as officials of the Organisation;
- (c) be exempt from any form of direct taxation on salaries, emoluments and indemnities paid to them by the Organisation;
- (d) be exempt, together with their spouses and members of their families, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of currency and exchange as are accorded to diplomatic agents of comparable rank;
- (f) enjoy, together with their spouses and members of their families, the same benefits in respect of repatriation in cases of international crisis as members of diplomatic missions;
- (g) have the right to import free of duty their furniture and effects as are accorded to officials of other international organisations at the time of taking up their post in the Republic of Korea; and
- (h) enjoy the right, for the purpose of communicating with the Organisation, to use codes and to send and receive correspondence and other papers and documents by courier.

Article 11 – Secretary-General, Deputy and Assistant Secretaries-General

In addition to the privileges, immunities and facilities mentioned in Article 10, the Secretary-General of the Organisation shall be accorded in respect of himself, his spouse and children under the age of 18, the privileges and immunities granted to the heads of diplomatic missions.

The Deputy and Assistant Secretaries-General of the Organisation, in respect of themselves, their spouses and children under the age of 18, shall enjoy privileges and immunities accorded to members of comparable rank of diplomatic missions.

Article 12 – Experts on Mission

Experts (other than officials) performing missions for the Organisation shall enjoy, in the territory of the Republic of Korea, such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including time spent on journeys in connection with their missions. In particular they shall enjoy:

- (a) immunity from personal arrest and detention, from seizure of their baggage;
- (b) immunity from legal process in respect of words spoken or written, and all acts done by them in the performance of their mission; such immunity shall continue after the completion of their mission;
- (c) inviolability for all papers and documents;
- (d) the right, for the purpose of communicating with the Organisation, to use codes and to send and receive correspondence and other papers and documents by courier; and
- (e) the same facilities with respect to currency and exchange restrictions as are accorded to a representative of a foreign governments on temporary official mission.

Article 13 – Scope of Privileges and Immunities

Privileges and immunities are granted to officials and experts in the interest of the Organisation and not for the personal benefit of the individuals themselves. The Secretary-General of the Organisation shall have the right and duty to waive the immunity of any official or expert where, in his opinion, the immunity of this official or expert would impede the course of justice and it can be waived without prejudice to the interests of the Organisation.

In the case of the Secretary-General and the Deputy and Assistant Secretaries-General of the Organisation, the Council of the Organisation shall have the right to waive immunity.

Article 14 – Freedom of Movement

The Government shall take all appropriate measures to facilitate the entry to, stay in, and exit from the territory of the Republic of Korea and to ensure freedom of movement within the territory of the Republic of Korea of representatives of Members and non-member participants, officials and experts of the Organisation or any other person invited by the Organisation for official purposes.

Article 15 – Co-operation

The Organisation shall co-operate at all times with the appropriate authorities of the Government to facilitate the proper administration of justice, secure the observance of laws and regulations of the Republic of Korea and prevent the occurrence of any abuse in connection with the privileges and immunities mentioned in this Agreement.

Article 16 – Supplementary Provisions

1. The Parties may enter into any supplementary agreements as may be necessary within the scope of this Agreement.
2. In the event that the Government grants any more favourable privilege, exemption or immunity to a similar type of international organisation, it shall seek to accord like treatment in that respect to the Organisation.

Article 17 – Settlement of disputes

1. The Parties shall attempt to settle any dispute as to the interpretation or application of this Agreement by negotiations or by any other mutually agreed method.
2. If the dispute is not settled in accordance with paragraph 1 within a period of sixty days from the request by either Party to settle it, it shall, at the request of either Party, be referred to arbitration.
3. The arbitral tribunal shall be composed of three arbitrators. Each Party shall choose one arbitrator and the third, who shall be the Chairman of the tribunal, to be chosen jointly by the Parties. If the tribunal is not constituted within six months of the request for arbitration, the appointment of the arbitrators not yet designated shall be made by the President of the International Court of Justice at the request of either party.
4. The tribunal shall apply the principles and rules of international law and its award should be final and binding on both Parties.

Article 18 – Entry into Force

This Agreement shall enter into force on the date on which the Government shall have informed the Organisation of the completion of the constitutional requirements for its entry into force.

DONE in PARIS this 15th day of April 1996, in the English, French and Korean languages, each text being equally authentic. In case of divergence, the English text should prevail.

FOR THE GOVERNMENT OF THE REPUBLIC OF KOREA:

Lee SEE-YOUNG
Ambassador of Korea in France

**FOR THE ORGANISATION FOR ECONOMIC COOPERATION AND
DEVELOPMENT:**

Jean-Claude PAYE
Secretary-General