

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 1 – 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;
- d) the like exemption from currency or exchange restrictions as is accorded to diplomatic agents of comparable rank;
- e) the right, if not a New Zealand citizen, to import free of duty their furniture and effects at the time of first taking up their post in New Zealand. It is understood that furniture and effects imported under such exemption shall not

be sold in New Zealand except under conditions agreed with the Government of New Zealand.

Article 16

In addition to the privileges, immunities, exemptions and facilities specified in Article 15, the Secretary-General and Deputy Secretaries-General shall in respect of themselves and members of their family forming part of their respective households, be accorded:

- a) the like immunity from suit and legal process;
- b) the like inviolability of residence, official premises and official archives; and
- c) the like exemption from taxes and rates

as are accorded to diplomatic agents and to members of their families under international law. The Secretary-General shall further be accorded all facilities as are accorded to heads of diplomatic missions in accordance with international law. The Deputy Secretaries-General shall enjoy facilities accorded to diplomatic representatives of comparable rank.

Article 17

Privileges, immunities, exemptions and facilities are granted to officials in the interests of the Organisation and not for the personal benefit of the individuals concerned. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation. In the case of the Secretary-General and the Deputy Secretaries-General the Council shall have the right to waive immunity.

Article 18

The Organisation shall co-operate at all times with the appropriate authorities of New Zealand to facilitate the proper administration of justice, secure the observance of New Zealand laws and regulations and prevent the occurrence of any abuse in connection with the privileges, immunities, exemptions and facilities mentioned in this Part VI.

PART VII - EXPERTS ON MISSIONS FOR THE ORGANISATION

Article 19

Experts (other than officials) performing missions for the Organisation shall be accorded in the exercise of their functions and while travelling to a place for the purpose of performing the mission or while returning from a place after performing the mission, the following privileges, immunities, exemptions and facilities:

- a) immunity from suit and legal process in respect of acts done or omitted to be done by them in the course of the performance of their mission; they shall continue to be so immune after the completion of their mission;
- b) inviolability of papers and documents that relate to the mission;
- c) the right, for the purpose of communicating with the Organisation, to use codes to send and receive correspondence and other papers and documents by courier or in sealed bags;
- d) exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.

Article 20

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

PART VIII - QUARANTINE

Article 21

The privileges and immunities, exemptions and facilities conferred by the previous Articles of this Agreement are subject to compliance with such conditions as may be determined for the protection of the public health, the prevention of diseases in plants and animals and otherwise in the public interest, but this does not prejudice the immunity from suit and legal process conferred in Articles 3, 10, 15, 16 and 19.

PART IX - SUPPLEMENTARY AGREEMENTS

Article 22

The Government of New Zealand and the Organisation may conclude supplementary agreements varying the provisions of this Agreement.

PART X - FINAL ARTICLE

Article 23

This Agreement shall come into force on the date on which the Government of New Zealand notifies the Organisation that it has completed the requirements necessary in New Zealand to give effect to the Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised to that effect, have signed this Agreement.

DONE at Paris this twenty second day of December nineteen hundred and eighty eight, in duplicate in the English and French languages, both texts being equally authentic.

FOR THE GOVERNMENT OF NEW ZEALAND:

J. C. TROTTER

FOR THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT:

J. C. PAYE