
INTERNATIONAL ORGANIZATIONS (IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION OF AMERICAN STATES) ORDER, 1997

(SECTION 3)

SI 61/1997

[Commencement 30th June, 1997]

Citation. **1.** This Order may be cited as the International Organizations (Immunities and Privileges of the Organization of American States) Order, 1997.

The Organization. **2.** The Organization of American States (in this Order referred to as “the Organization”) is an Organization of which the Government of The Bahamas and the governments of foreign sovereign Powers are members.

Legal capacity. **3.** (1) The Organization 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.

(2) No waiver of immunity shall be deemed to extend to any measure of execution.

Official archives and premises. **4.** The Organization shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

Relief from taxes. **5.** The Organization shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

Exemption from taxes. **6.** The Organization shall have exemption from taxes on the importation of goods directly imported by the Organization for its official use in The Bahamas or for exportation, or on the importation of any publications of the Organization directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs may prescribe for the protection of the revenue.

Importation of goods. **7.** The Organization shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by

the Organization for its official use and in the case of any publications of the organization directly imported or exported by it.

8. The Organization 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 The Bahamas), of any reduced rates applicable for the corresponding service in the case of press telegrams.

Reduced rates on telegrams

9. (1) Representatives of member States of the Organisation shall in the exercise of their functions and during their journeys to and from the place of meeting enjoy —

Immunities and privileges of representatives of members

- (a) the like immunity from suit and legal process;
- (b) the like inviolability of residence; and
- (c) the like exemption or relief from taxes,

as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, unless in any particular case the privilege or immunity is waived by the Government of the respective representatives.

(2) For the purposes of the application of this Order, the expression “representatives of member States” shall be deemed to include, in addition to the representatives, the following members of their official staffs accompanying them as such representatives —

- (a) heads of delegations;
- (b) alternate representatives;
- (c) advisers;
- (d) technical experts;
- (e) secretaries of delegations.

and Part IV of the Schedule to the Act shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons falling within the above-mentioned descriptions.

(3) The provisions in the preceding paragraphs of this Order shall not confer any immunity or privilege on any person as the representative of the Government of The Bahamas or as a member of the staff of such representative or on any person who is a citizen of the Commonwealth of The Bahamas.

High officials

10. Except in so far as in any particular case any privilege or immunity is waived by the Organization, the Secretary General of the Organization (including any officer acting for him during his absence from duty) shall be accorded in respect of himself, his spouse and his children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, and shall also enjoy exemption from income tax in respect of emoluments received by him as an officer of the Organization.

Other officials

11. Except in so far as in any particular case any privilege or immunity is waived by the Organization, persons employed by the Organization shall enjoy —

- (a) immunity from suit or legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties;
- (b) inviolability of all papers and documents relating to the work of the Organization; and
- (c) exemption from income tax in respect of emoluments received by them as officers or servants of the Organization.

List of names

12. The names of the persons to whom the provisions of paragraphs 9 and 10 apply shall be set forth in a list compiled and published from time to time by the Minister under section 4 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.