

CHAPTER 3.**INTERNATIONAL ORGANIZATION IMMUNITIES**

ARRANGEMENT OF SECTIONS

Section

§301. Short title.

§302. International organization defined; Authority of Cabinet.

§303. Privileges, exemptions, and immunities International organizations.

§304. Baggage and effects of officers and employees.

§305. Exemption from property taxes.

§306. Income of international organizations.

§307. Compensation of employees.

§308. Privileges, exemptions, and immunities.

§309. Notification and Acceptance; deportation of Undesirables; extent of Diplomatic status.

An Act to provide immigration immunities to international organizations and their staff.
[Section numbering style modified to conform to format of the Code (Rev.2003)]

Source: COM P.L. 5-55 (1974)
53 TIC 1980

§301. Short title.

This Chapter may be cited as the “International Organization Immunities Act 1974.” [COM P.L. 5-55, §1(1974); 53 TTC 1980, §251, modified.]

§302. International organization defined; authority of the Cabinet.

For the purpose of this Chapter, the term “international organization” means a public international organization which shall have been designated by the Cabinet through appropriate action as being entitled to enjoy the privileges, exemptions, and immunities provided in this Chapter. The Cabinet shall be authorized, in the light of the functions performed by any such international organization, to withhold or withdraw by appropriate order from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this Chapter or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption or immunity. The Cabinet shall be authorized, if in its judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities provided in this Chapter or for any other reason, to revoke at all time the designation of any international organization under this Chapter, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this Chapter. [COM P.L. 5-55, §2 (1974); 53 TTC 1980, §252, modified.]

§303. Privileges, exemptions, and immunities of international organizations.

International organizations shall be accorded the status, immunities, exemptions, and

privileges set forth in this Chapter, as follows:

(a) International organizations shall, to the extent consistent with the instrument creating them, possess the capacity:

- (i) to contract;
- (ii) to acquire and dispose of personal property; and
- (iii) to institute legal proceedings.

(b) International organizations, their property and their assets wherever located, and by whomsoever held shall be accorded the same immunity from suit and every form of judicial process as is accorded by the Government of the Marshall Islands to foreign governments, except to the extent that such organizations may expressly waive their immunity for the purpose of any proceedings or by the terms of any contract.

(c) Property and assets of international organizations, wherever located and by whomsoever held, shall be immune from search, unless such immunity be expressly waived, and from confiscation. The archives of international organizations shall be inviolable.

(d) Insofar as concern customs duties and internal revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications; the privileges, exemptions, and immunities to which international organizations shall be entitled shall be the same as those accorded by the Government of the Marshall Islands under similar circumstances to foreign governments.

(e) The Protection of Resident Workers Act shall not apply to international organizations. [COM P.L. 5-55, §3(1974); 53 TTC 1980, §253, modified.]

§304. Baggage and effects of officers and employees.

Pursuant to regulations prescribed by the Cabinet, the baggage and effects of alien officers and employees of international organizations, or of aliens designated by foreign governments to serve as their representatives in or to such organizations, or of the families, suites, and servants of such officers, employees, or representatives shall be admitted, when imported in connection with the arrival of the owner, free of customs duties and free of internal revenue taxes imposed upon or by reason of importation. [COM P.L. 5-55, §4(1974); 53 TTC 1980, §254, modified.]

§305. Exemption from property taxes.

International organizations shall be exempt from all property taxes imposed by, or under the authority of, any law of the Republic or any political subdivision thereof. [COM P. L. 5-55, §5 (1974); 53 TTC 1980, §255, modified.]

§306. Income of international organizations.

The income of international organizations received from investments in the Republic in stocks, bonds or other domestic securities owned by such international organizations, or from interest on deposits in banks in the Republic of monies belonging to such international organizations, or from any other sources within the Republic shall be exempt from taxation under all tax laws of the Republic and of its political subdivisions. [COM P.L. 5-55, §6(1974); 53 TTC 1980, §256, modified.]

§307. Compensation of employees of international organizations.

Wages, fees, or salaries of any employee of an international organization, received as compensation for official services to such international organization, shall be exempt from taxation under all income tax laws of the Republic and of its political subdivisions if such employee is not a citizen of the Republic. [COM P.L. 5-55, §7 (1974); 53 TTC 1980, §257, modified.]

§308. Privileges, exemptions, and immunities of officers, employees, and their families.

(1) Persons designated by foreign governments to serve as their representatives in or to international organizations and the officers and employees of such organizations, and members of the immediate families of such representatives, officers, and employees residing with them, other than citizens of the Republic, shall insofar as concerns laws regulating entry into and departure from the Republic, alien registration and fingerprinting, and the registration of foreign agents, be entitled to the same privileges, exemptions, and immunities as are accorded by the Government of the Marshall Islands under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families.

(2) Representatives of foreign governments in or to international organizations and officers and employees of such organizations shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as such representatives, officers, or employees except insofar as such immunity may be waived by the foreign government or international organization concerned. [COM P.L. 5-55, §8(1974); 53 TTC 1980, §258, modified.]

§309. Notification to and acceptance by Cabinet of personnel; deportation of undesirables; extent of diplomatic status.

(1) No person shall be entitled to the benefits of this Chapter unless he:

(a) shall have been duly notified to and accepted by the Cabinet as a representative, officer or employee;

(b) shall have been designated by the Cabinet, prior to formal notification and acceptance, as a prospective representative, officer, or employee; or

(c) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers or employees.

(2) Should the Cabinet determine that the continued presence in the Republic of any person entitled to the benefits of this Chapter is not desirable, it shall so inform the foreign government or international organization concerned, as the case may be, and after such person shall have had a reasonable length of time, to be determined by the Cabinet, to depart from the Republic, he shall cease to be entitled to such benefits.

(3) No person shall, by reason of, the provisions of this Chapter, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein. [COM P.L. 5-55, §9 (1974); 53 TTC 1980, §259, modified.]

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