

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1987/23 - 2016 ඔක්තෝබර් මස 05 වැනි බදාදා - 2016.10.05

No. 1987/23 — WEDNESDAY, OCTOBER 05 2016

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the International Water Management Institute formerly known as the International Irrigation Management Institute, to the extent necessary to give effect to the terms of the Memorandum of Agreement entered into between the Ford Foundation acting on behalf of the International Irrigation Management Institute Support Group and the Government of the Democratic Socialist Republic of Sri Lanka for the establishment of an International Institute for Research and Training in Irrigation Management, on 01st September, 1983, the relevant articles of which Agreement are recited in the Schedule hereto.

MANGALA SAMARAWEEA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September, 2016.

SCHEDULE

MEMORANDUM OF AGREEMENT BETWEEN THE FORD FOUNDATION ACTING ON BEHALF OF THE INTERNATIONAL IRRIGATION MANAGEMENT INSTITUTE SUPPORT GROUP AND THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA FOR THE ESTABLISHMENT OF AN INTERNATIONAL INSTITUTE FOR RESEARCH AND TRAINING IN IRRIGATION MANAGEMENT

7. *Agreements*-(a) The Government of Sri Lanka shall recognize IIMI as an autonomous, international, non-profit, research, educational and training organization with objectives and engaged in the activities set forth in this Memorandum. The international status and personality of IIMI will be ensured by its Charter, and will be recognized by the Government of Sri Lanka.



The Government of Sri Lanka agrees to provide IIMI with certain facilities and to grant it certain privileges and immunities which shall be no less favourable than those granted to the UNDP Office in Sri Lanka, including the following:-

- (1) IIMI, its property, funds, assets, and officials shall have the privileges and immunities set out in the Annexure to this Memorandum.

Annexure

IMMUNITIES AND PRIVILEGES

PART I

Immunities and Privileges of the Institute

1. The Institute, 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 premises of the Institute shall be inviolable. The property and assets of the Institute, 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.
3. The archives of the Institute and in general all documents belonging to it or held by it, shall be inviolable wherever located.
4. Without being restricted by financial controls, regulations or moratoria of any kind -
 - (a) The Institute may hold funds or currency of any kind and operate accounts in any currency
 - (b) The Institute shall be free to transfer its funds or currency from Sri Lanka to any other country, and *vice versa*, or within Sri Lanka, and to convert any currency held by it into any other currency provided that the transfer and conversion of funds or currency acquired in Sri Lanka or Sri Lanka rupee funds or currency, may be subject to such restrictions as are prescribed by law.
5. The Institute, its assets, income and other properties shall be:
 - (a) Exempt from all direct taxes, it is understood however that the Institute will not claim exemptions from rates and taxes which are charges for public utility services.
 - (b) Exempt from customs duties and taxes, and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Institute for its official use. It is understood, however, that articles imported under such exemptions shall be re-exported and shall not be sold within Sri Lanka except with the prior permission of the Government of Sri Lanka. If sold within Sri Lanka, such articles will be liable to normal duties and taxes.
 - (c) Exempt from customs duties and taxes, and prohibitions and restrictions, on imports and exports in respect of its publications.
6. The Institute shall enjoy for its official communications treatment not less favourable than that accorded by the Government of Sri Lanka to the United Nations, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephones and other communications; and press rates for information to the press, radio and television. No censorship shall be applied to the official correspondence and other official communications of the Institute.

7. The Institute shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags which shall have the same immunities and privileges as are extended to the UNDP Office in Sri Lanka.
8. Such other privileges and immunities as are extended to the UNDP Office, and its property, funds and assets, in Sri Lanka.

PART II

Immunities and Privileges of the Director-General of the Institute

The Director General of the Institute shall have the same status and privileges as are accorded to the head of a diplomatic mission, and the same immunities as are accorded to the Resident Representative of the United Nations.

PART III

Immunities and Privileges of the Officials of the Institute

This Part will apply to staff members of the Institute. Experts performing missions for the Institute shall be accorded such privileges and immunities under this Part, as are necessary for the independent exercise of their functions, during the period of their mission.

Clauses 3 to 5 will not apply to Citizens and Permanent Residents of Sri Lanka;

1. Immunity from every form of legal process in respect of words spoken or written and acts performed by them in their official capacity.
2. Exemptions from taxation on the salaries and emoluments paid to them by the Institute
3. Exemptions in respect of themselves, their spouses and dependent relatives, from immigration restrictions, alien registration and national service obligations.
4. The same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of the UNDP Office in Sri Lanka.
5. The right to be given, together with their spouses and dependent relatives, the same repatriation facilities in times of international crisis as members of the staff of the UNDP Office in Sri Lanka.
6. Such other privileges and immunities as are extended to officers of comparable rank in the UNDP Office of Sri Lanka.

The Director-General shall from time to time make known to the Government of Sri Lanka the names of the persons to whom this Part will apply.

PART IV

Waiver of Privileges and Immunities

Privileges and immunities shall be accorded to the Director-General and officials of the Institute and experts performing missions for the Institute not for the personal benefit of the individuals themselves, but in the interests of the Institute. Consequently the Governing Body of the Institute, or the Director-General shall have the right and the duty to waive the immunity of the Director-General, or any such officials, or experts respectively, in any case where the immunity would impede the course of justice, and can be waived without prejudice to the interests of the Institute.

PART V

Privileges and Immunities in Respect of Customs and Import Duties and Taxes

This Part will apply only to expatriate officials of the Institute, and to citizens and permanent residents of Sri Lanka provided they have been internationally recruited, who take up residence in Sri Lanka for the purpose of their functions and duties for a period of six months or over.

The persons to whom this Part applies shall have the right to import, free of duties and taxes, and without providing security -

1. With six months of first taking up their post in Sri Lanka, one motor vehicle, and limited quantities of furniture and household articles for the personal use of themselves and the members of their family accompanying them on the same basis as that accorded to persons of comparable rank in the UNDP Office of Sri Lanka.

Such articles may include

- (a) For each household one motor vehicle, one refrigerator, one deep-freezer, one cooker, one washing machine, one dish washer, one radio, one record player, one tape recorder, one television set, one video recorder and minor electrical appliances, and
- (b) For each person, one air conditioner, one set of photographic equipment and cine equipment and one radio cum cassette recorder;

Such motor vehicle so imported shall normally be re-exported and shall not be sold within Sri Lanka except with the prior permission of the Government of Sri Lanka. If sold within Sri Lanka, the articles referred to in his paragraph shall be subject to the payment of normal duties and taxes.

2. Foodstuffs, liquor, cigarettes and other consumable articles of daily use, for personal use, to the value of Rs. 6,000 per quarter FOB if married and accompanied by family and Rs.3,900/- per quarter FOB if unmarried, or married but not accompanied by family.
3. Requests for replacements and additional imports of limited quantities of household effects for personal or family use will be given due consideration by the relevant Sri Lanka authorities when appropriate and on a case by case basis.

10-712/1

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the United Nations Development Programme, to the extent necessary to give effect to the terms of the Agreement, entered into with the Government of the Democratic Socialist Republic of Sri Lanka, on 20th March, 1990 the relevant articles of which Agreement are recited in the Schedule hereto.

MANGALA SAMARAWEEA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September, 2016.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND THE UNITED NATIONS DEVELOPMENT PROGRAMME

ARTICLE IX

PRIVILEGES AND IMMUNITIES

1. The Government shall apply to the United Nations and its organs, including the UNDP and UN subsidiary organs acting as UNDP Executing Agencies, their property, funds and assets, and to their officials, including the resident representative and other members of the UNDP mission in the country, the provisions of the Convention on the Privileges and Immunities of the United Nations.
2. The Government shall apply to each Specialized Agency acting as an Executing Agency, its property, funds and assets and to its officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, including any Annex to the Convention applicable to such Specialized Agency. In case the International Atomic Energy Agency (IAEA) acts as an Executing Agency, the Government shall apply to its property, funds and assets and to its officials and experts, the Agreement on the Privileges and Immunities of the IAEA.
3. Members of the UNDP mission, in the country shall be granted such additional privileges and immunities as may be necessary for the effective exercise by the mission of its functions as mutually agreed.
4. (a) Except as the parties may otherwise agree in Project Documents relating to specific projects, the Government shall grant all persons, other than Citizens of Sri Lanka employed locally, performing services on behalf of the UNDP, a Specialized Agency or the IAEA who are not covered by paragraphs 1 and 2 above the same privileges and immunities as officials of the United Nations, the Specialized Agencies concerned or the IAEA under Section 18, 19 or 18 respectively of the Conventions on the Privileges and Immunities of the United Nations or of the Specialized Agencies, or of the Agreement on the Privileges and Immunities of the IAEA.

(b) For purpose of the instruments on privileges and immunities referred to in the preceding parts of this Article-
 - (1) All papers and documents relating to a project in the possession or under the control of the persons referred to in sub-paragraph 4 (a) above shall be deemed to be documents belonging to the United Nations, the Specialized Agency concerned, or the IAEA, as the case may be, and
 - (2) Equipment, materials and supplies brought into or purchased or leased by those persons within the country for purposes of a project shall be deemed to be property of the United Nations the Specialized Agency concerned or the IAEA as the case may be and
5. The expression "persons performing service" as used in Article IX, X and XIII of this Agreement includes volunteers, consultants, and juridical as well as natural persons and their employees. It includes governmental or non-governmental organizations or firms which UNDP may retain, whether as an Executing Agency or otherwise to execute or to assist in the execution of UNDP assistance to a project and their employees. Nothing in this Agreement shall be construed to limit the privileges immunities or facilities conferred upon such organization or firms or their employees in any other instrument.

THE DIPLOMATIC PRIVILEGES ACT, No 9 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the United Nations High Commissioner for Refugees, to the extent necessary to give effect to the terms of the Agreement, entered into with the Government of the Democratic Socialist Republic of Sri Lanka, on 01st October, 1987, the relevant articles of which Agreement are recited in the Schedule hereto.

MANGALA SAMARAWEEA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September 2016.

SCHEDULE

PARAGRAPHS 4, 5 AND 6 OF THE EXCHANGE OF LETTERS DATED 01ST OCTOBER, 1987, BETWEEN THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AND THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

4. For the purpose of carrying out the mission referred to in paragraph 3 above, UNHCR and its officials referred to above, will enjoy within Sri Lanka, the same jurisdictional immunities, exemption from taxation, exchange facilities, customs facilities including first arrival privileges as are accorded to the Office of the Resident Representative of the UNDP in Sri Lanka and officials of the UNDP office in Sri Lanka. The provisions of this paragraph shall not apply to Sri Lanka nationals who are locally recruited.
5. It is understood that these privileges and immunities are granted to the officials in the interest of the UNHCR and not for the personal benefit of the individuals themselves. Therefore, the immunity of any officials should be waived by the UNHCR whenever in its opinion such immunity would impede the course of justice and can be waived without prejudice to the interests of the UNHCR.
6. The privileges, immunities and facilities granted in terms of this letter shall be valid for a period of one year from the date of this letter.

10-712/3

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the Colombo Plan Bureau to the extent necessary to give effect to the terms of the Memorandum of Agreement, entered into with the Government of the Democratic Socialist Republic of Sri Lanka, on 20th February, 1996, the relevant articles of which Agreement are recited in the Schedule hereto.

MANGALA SAMARAWEEA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September, 2016.

SCHEDULE

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND THE COLOMBO PLAN BUREAU

ARTICLE 1

STATUS OF THE BUREAU

1. The Colombo Plan Bureau (hereinafter referred to as the Bureau) shall enjoy juridical personality in the territory of the Democratic Socialist Republic of Sri Lanka and shall enjoy status equivalent to that accorded to mission of international and intergovernmental organizations. It shall have full capacity to contract, to acquire and dispose of immovable and movable property and to institute legal proceedings.
2. The Bureau shall enjoy the privileges and immunities accorded to it by this Agreement.
3. The Bureau and its property shall be immune from legal or administrative Jurisdiction, except insofar as in any particular case the Director has waived its immunity.

ARTICLE 2

IMMUNITIES AND PRIVILEGES OF THE BUREAU

The Bureau, 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 the Director has expressly waived its immunity. It is however understood that no waiver of immunity shall extend to any measure of execution.

2. The premises of the bureau shall be inviolable. The property and assets of the Bureau, 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, except insofar as in any particular case the Director has expressly waived its immunity.
3. The archives of the Bureau and in general all documents belonging to it or held by it, shall be inviolable wherever located.
4. Without being restricted by financial controls, regulations or moratoria of any kind-
 - (a) The Bureau may hold funds of currency of any kind and operate accounts in any currency;
 - (b) The Bureau shall be free to transfer its funds or currency from Sri Lanka to any other country, and *vice versa*, or within Sri Lanka, and to convert any currency held by it into any other currency; provided that the transfer and conversion of funds or currency acquired in Sri Lanka, or Sri Lanka rupee funds or currency, may be subject to such restrictions as are prescribed by law.
5. The Bureau, its assets income and other properties shall be-
 - (a) Exempt from all direct taxes, it is understood however that the Bureau will not claim exemption from rates and taxes which are charges for public utility services;
 - (b) Exempt from customs duties and taxes, and prohibitions and restrictions, on imports and exports in respect of articles imported or exported by the Bureau for its official use. It is understood, however, that articles imported under such exemptions shall be re-exported and shall not be sold within Sri Lanka, except with the prior permission of the Government of Sri Lanka. If sold within Sri Lanka, such articles will be liable to normal duties and taxes.
 - (c) Exempt from customs duties and taxes, and prohibitions and restrictions, on imports and exports in respect of its publications.

6. The Bureau shall enjoy for its official communications treatment not less favorable than that accorded by the Government of Sri Lanka to the United Nations Development Programme (UNDP) office in Sri Lanka, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephones and other communications and press rates for information to the press, radio and television. No censorship shall be applied to the official correspondence and other official communications of the Bureau.
7. The Bureau shall have right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as are extended to the UNDP Office in Sri Lanka.
8. Such privileges and immunities as are extended to the UNDP office and its property funds and assets in Sri Lanka.

ARTICLE 3

IMMUNITIES AND PRIVILEGES OF THE DIRECTOR

The Director of the Bureau shall have the same status, immunities and privileges as are accorded to the Resident Representative of the United Nations Development Programme.

ARTICLE 4

IMMUNITIES AND PRIVILEGES OF THE OFFICIALS OF THE BUREAU

1. This part will apply to staff members of the Bureau. Experts performing missions for the Bureau shall be accorded such privileges and immunities under this Part, as are necessary for the independent exercise of their functions, during the period of their mission.

Clauses (iii) to (v) will not apply to Citizens and Permanent Residents of Sri Lanka:

- (i) Immunity from every form of legal process in respect of words spoken or written and acts performed by them in their official capacity
 - (ii) Exemption from taxation on the salaries and emoluments paid to them by the Bureau
 - (iii) Exemptions in respect of themselves, their spouses and dependent relatives, from immigration restrictions, alien registration and national service obligations.
 - (iv) The same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of the UNDP Office in Sri Lanka.
 - (v) The right to be given, together with their spouses and dependent relatives, the same repatriation facilities in times of international crises as members of the staff of the UNDP Office in Sri Lanka.
 - (vi) Privileges and facilities in respect of Customs and Import Duties and taxes as set out in the Annex hereto.
 - (vii) Such other privileges and immunities as are extended to officers of comparable rank in the UNDP Office of Sri Lanka.
2. The Director shall from time to time make known to the Government of Sri Lanka the name of the persons to whom this Part will apply. The Government of Sri Lanka and the Director shall consult each other from time to time to determine the size of the staff of the Bureau.

ARTICLE 5

WAIVER OF PRIVILEGES AND IMMUNITIES

Privileges and immunities shall be accorded to the Bureau, the Director and officials of the Bureau and experts performing missions for the Bureau, not for the personal benefit of the individual themselves, but in the interests of the Bureau. Consequently, the Director of the Bureau, shall have the right and the duty to waive such immunity on behalf of the Bureau and its staff in any case where the immunity would impede the course of justice and the enforcement of law and order and it can be waived without prejudice to the interests of the Bureau.

ARTICLE 7

MEASURES OF CO-OPERATION

The Director shall co-operate at all times with the appropriate authorities of the Government of Sri Lanka to facilitate the proper administration of justice, secure the observance of laws and regulations in particular those relating to national security and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities accorded to the Bureau and its officials.

The Bureau offices shall not be used in any manner incompatible with the exercise of its official functions.

Annex

Privileges and Facilities in respect of Customs and Import Duties and Taxes

This Part will apply only to expatriate officials of the Bureau, and shall not apply to citizens and permanent residents of Sri Lanka unless they have been internationally recruited and who take up residence in Sri Lanka for the purpose of their functions and duties for a period of six months or over-

The persons to whom this Part applies shall have the right to import, free of duties and taxes, and without providing security

1. Within six months of first taking up their post in Sri Lanka one motor vehicle and limited quantities of furniture and household articles for the personal use of themselves and the members of their family accompanying them on the basis as that accorded to persons of comparable rank in the UNDP Office of Sri Lanka.

Such articles may include-

- (a) For each household, one motor vehicle one refrigerator, one deepfreezer, one cooker, one washing machine, one dishwasher, one radio, one record player, one tape recorder, one television set, one video recorder and minor electrical appliance; and
- (b) For each person, one air conditioner, one set of photographic equipment and cine equipment and one radio cum cassette recorder;

Such motor vehicle so imported shall normally be re-exported and shall not be sold within Sri Lanka except with the prior permission of the Government of Sri Lanka. If sold within Sri Lanka, the articles referred to in this paragraph shall be subject to the payment of normal duties and taxes.

2. Foodstuffs liquor, cigarettes and other consumable articles of daily use, for personal use, to the value of US\$ 250 per month FOB if married and accompanied by family, and US\$ 175 per month FOB if unmarried or married but not accompanied by family.
3. Requests for replacements and additional imports of limited quantities of household effects for personal or family use will be given due consideration by the relevant Sri Lanka authorities when appropriate and on a case-by-case basis.

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the International Labour Organization, to the extent necessary to give effect to the terms of the Agreement, entered into with the Government of the Democratic Socialist Republic of Sri Lanka, on 21st March 1988, the relevant articles of which Agreement are recited in the Schedule hereto.

MANGALA SAMARAWEEA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September, 2016.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND THE INTERNATIONAL LABOUR ORGANIZATION CONCERNING THE ESTABLISHMENT OF AN OFFICE OF THE ORGANIZATION IN COLOMBO

Article 11

1. The Government will grant the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies of 21st November, 1947 and in its Annex of 10th July, 1948, relating to the International Labour Organization to the office of the International Labour Organization in Colombo, to the staff of such office as well as to any persons mentioned in the Convention or in its above-mentioned Annex, whenever they go on official business to the Democratic Socialist Republic of Sri Lanka.
2. The Government will grant to the office of the International Labour Organization in Colombo, and to all persons referred to in paragraph 1 above, privileges and immunities not less favourable than those granted to any other inter-governmental organization and its staff in the Democratic Socialist Republic of Sri Lanka.

10-712/5

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

ORDER UNDER SECTION 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I Mangala Samaraweera, Minister of Foreign Affairs do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the International Committee of the Red Cross, to the extent necessary to give effect to the terms of the Status Agreement, and the Addendum to the Status Agreement relating to the grant of immunities Privileges and facilities to the International Committee of the Red Cross and its Delegation in Sri Lanka, entered into with the Government of the Democratic Socialist Republic of Sri Lanka on 16th June 1990 and on 18th August 2016 respectively, the relevant articles of which Agreement are recited in the Schedule hereto.

MANGALA SAMARAWEEA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September, 2016.

SCHEDULE

STATUS AGREEMENT BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA (GOVERNMENT OF SRI LANKA) AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) RELATING TO THE GRANT OF IMMUNITIES, PRIVILEGES AND FACILITIES TO THE ICRC AND ITS DELEGATION IN SRI LANKA

ARTICLE 1

STATUS OF THE DELEGATION

1. The ICRC and its Delegation shall enjoy juridical personality in the territory of the Democratic Socialist Republic of Sri Lanka and shall enjoy a status equivalent to that accorded to missions of international and inter-governmental organizations.
2. The ICRC and its Delegation shall enjoy the privileges and immunities accorded to it by this Agreement.
3. The ICRC Delegation and its property shall be immune from legal or administrative jurisdiction, except insofar as in any particular case the ICRC Delegation has waived this immunity.
4. The offices of the ICRC Delegation, the warehouses and other premises, and the vehicles of the ICRC Delegation as well as its records, documents, correspondence, property, assets and funds shall be inviolable. Except with the consent of the ICRC they shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

ARTICLE 2

PROPERTY AND FUNDS

1. The ICRC Delegation shall be exempt from all regional, municipal, provincial or national dues and taxes. The ICRC Delegation shall not, however, claim exemption from fees which are levied for public utility services.
2. The ICRC Delegation shall be exempt from taxes and customs duties and free from all restrictions and prohibitions in respect of the import and export of all items necessary for its activities, subject to the provisions of pertinent laws, rules and regulations. It is understood, however, that articles imported under such exemption will not be sold within Sri Lanka except under conditions agreed upon with the Government of Sri Lanka.
3. The ICRC Delegation may freely hold funds and accounts in any currency and transfer them from place to place within Sri Lanka and between Sri Lanka and any other state, subject to the provisions of pertinent laws, rules and regulations.
4. The ICRC Delegation may change its funds into any currency without limit, subject to the provisions of pertinent laws, rules and regulations.
5. The ICRC Delegation shall be exempted from all taxes and customs duties in respect of the importation of a motor vehicle for the official use of the Delegation. The importation of additional motor vehicles shall be subject to prior consultation and approval of the Government. All of the Delegations' motor vehicles may not be resold without the prior approval of the Government. However, the motor vehicles may be re-exported subject to existing laws and regulations of Sri Lanka.

ARTICLE 3

RELIEF SUPPLIES

1. The ICRC Delegation shall be exempt from taxes and customs duties and free of all restrictions or prohibitions in respect of import, export and trans-shipment of relief supplies for ICRC assistance programmes or for delivery to the local Red Cross or to other humanitarian institutions.
2. The ICRC Delegation shall conform to the national legislative provisions concerning hygiene, safety and commercial practice in the matter of relief supplies.
3. The ICRC Delegation shall not sell within the country the goods imported duty free, except with the Government's approval and under conditions stipulated by the Government.
4. The ICRC Delegation, subject to prior consultations and with the co-ordination of the Government, may avail itself of vacant warehouses in order to store goods to be distributed during relief action provided such goods are identified as belonging to the Red Cross, with the relevant supporting documents.

ARTICLE 4

COMMUNICATIONS

1. The ICRC Delegations shall, for, its official communications, enjoy treatment not less favourable than that accorded to any foreign mission in respect of priorities, rates and taxes on mail, cables, telegrams, radiograms, telephone and other communications, and rates for information messages to press and radio, in accordance with the National Telecommunication Legislation.
2. No censorship shall be applied to the official correspondence and communications of the ICRC Delegation. This immunity shall also apply to official ICRC publications, photographic or cinematographic film, photographs and audio-visual recordings dispatched to or from the, ICRC and to material for exhibitions organized by it in accordance with the national legislation of the country.
3. The ICRC may, whenever a need of using such means should occur, transmit uncoded messages by radio between the Geneva Head quarters and the Delegation in Sri Lanka or between the Delegation in Sri Lanka and a Delegation or Delegations situated in other countries or between the Delegation and its field units operating within the national territory provided that no classified matter should be transmitted in these uncoded messages.
4. For all such communications the frequencies assigned to the ICRC for this purpose by the International Telecommunication Union shall be used. To this end the ICRC Delegation shall be able to install the required radio equipment in the Delegation premises and make use of mobile equipment within the national territory after securing from the National Telecommunications Administration the necessary licensing documentation.
5. Nothing in this Article shall be constructed to preclude the adoption of appropriate security precautions in respect of communications as may be agreed upon between the Government and the ICRC.

ARTICLE 5

ICRC DELEGATIONS AND ALIEN EMPLOYEES

1. The Government of Sri Lanka and the ICRC should consult each other and determine from time to time the size of the ICRC Delegation in Sri Lanka having regard to the activities of the ICRC Delegation in Sri Lanka.

2. The ICRC Delegation shall notify the Ministry of Foreign Affairs of the date of arrival, date of departure or date of termination of function of all ICRC Delegates and alien employees.
3. ICRC Delegate, who by definition are Swiss nationals, and foreign employees, their spouses and dependent members of their families shall enjoy a status similar to that accorded to members and employees of missions of International and Intergovernmental organizations and shall enjoy the privileges and immunities provided in the present Agreement.
4. The ICRC Delegates and alien employees shall-
 - (a) be immune from the jurisdiction of the judicial or administrative authorities of Sri Lanka in respect to acts performed in the exercise of their official functions;
 - (b) not be obliged to give evidence as witnesses in matters relating to their official functions
 - (c) be exempt from taxation in respect of the salaries and emoluments paid to them by the ICRC
 - (d) be immune, together with their spouses and dependent members of their families, from immigration restrictions and foreign registration requirements, and national service obligations;
 - (e) be accorded the same privileges in respect of exchange facilities as are accorded to members of comparable rank of missions of international and intergovernmental organizations;
 - (f) be given, together with their spouses and dependent members of their families, the same repatriation facilities in times of international crisis as those granted to members of missions of international and intergovernmental organizations;
 - (g) have the right to import free of duty their property, furniture, effects and household equipment for their personal use at the time of first taking up their post in Sri Lanka.
 - (h) have the right to export free of duty their property, furniture, effects and household equipment when leaving.
5. It is understood that these privileges and immunities shall not be enjoyed by Sri Lanka nationals working for the ICRC except for paragraph 4(a) to 4(c).
6. The provisions of article 1, paragraph 4 shall also apply to the ICRC Delegates and foreign employees' residences.
7.
 - (a) The privileges and immunities listed in this Article are granted to the ICRC to facilitate the carrying out of its humanitarian mission and not to individuals. They are therefore, granted to the ICRC for its Delegates and foreign employees in the interest of their work and functions.
 - (b) The Government of Sri Lanka may call upon the ICRC to waive the immunity of any delegate or alien employee in case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the ICRC. The ICRC shall accede to such a request unless such waiver would, for good reasons, prejudice the interests of the ICRC.
8. The ICRC shall co-operate with the Government of Sri Lanka at all times with the view of preventing any form of abuse of the privileges and immunities listed in this Article.

ARTICLE 7

FINAL PROVISIONS

1. The ICRC shall co-operate at all times with the appropriate authorities of the Government of Sri Lanka to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities accorded to the ICRC.
2. The ICRC's offices shall not be used in any manner incompatible with the exercise of its official functions.

ADDENDUM TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) of 1990

1. The ICRC, as well as its current and former employees and representatives, regardless of where they are based, shall be exempt from being called as a witness or otherwise required to give evidence, in respect of all acts performed by them in their official capacity including words spoken or written, even after they have left the service of the Delegation. The said exemption shall apply in all types of legal proceedings;
2. The Head of Delegation and the delegates shall enjoy regardless of their nationality, immunity from legal process in respect of all acts performed by them in their official capacity including words spoken or written, even after the end of their mission. This immunity from jurisdiction will include the exemption to testify on facts that they might have learned due to the exercise of their functions;
3. The ICRC shall have the right to dispatch and receive its correspondence by courier or in sealed bags, which shall have the same immunity and privileges as diplomatic courier and bags;
4. The Government of Sri Lanka undertakes to respect the confidentiality of ICRC reports, letters and other communications as well as the contents and records of its communications with the ICRC. Such respect includes neither divulging their content to anyone other than the intended recipient, nor permitting their disclosure or use in legal proceedings, without prior consent of the ICRC; and
5. ICRC may waive any of the above -mentioned privileges and immunities, in any case where in its sole opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the ICRC. Such a waiver shall only be valid when given in writing by the President of the ICRC or a person to whom he or she has delegated the power to do so in any given case.

10-712/6

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the World Conservation Union – IUCN (International Union for Conservation of Nature and Natural Resources), to the extent necessary to give effect to the terms of the Memorandum of Agreement, entered into with the Government of the Democratic Socialist Republic of Sri Lanka, on 18th January, 1993, the relevant articles of which Agreement are recited in the schedule hereto.

MANGALA SAMARAWEEA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September, 2016.

SCHEDULE

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND THE WORLD CONSERVATION UNION-IUCN (INTERNATIONAL UNION FOR CONSERVATION OF NATURE & NATURAL RESOURCES) FOR THE CONTINUATION OF ENVIRONMENTAL CONSERVATION ACTIVITIES

7. Agreement – The Government of Sri Lanka agrees to provide the World Conservation Union – IUCN with certain facilities and to grant it certain privileges and immunities which shall be no less favourable than those granted to the United Nations Development Programme (UNDP) Office in Sri Lanka, including the following:-
- a. The World Conservation Union – IUCN its property, funds, assets shall have the privileges and immunities set out in the Annexure to this Memorandum

IMMUNITIES AND PRIVILEGES

IMMUNITIES AND PRIVILEGES OF THE WORLD CONSERVATION UNION – IUCN

The World Conservation Union – IUCN, 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.

The premises of the world Conservation Union – IUCN shall be inviolable. The property and assets of the World Conservation Union – IUCN, 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.

The archives of the World Conservation Union – IUCN and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Without being restricted by financial controls, regulations or moratoria of any kind –

- (a) The World Conservation Union – IUCN may hold funds or currency of any kind and operate accounts in any
- (b) The World Conservation Union - IUCN shall be free to transfer its funds or currency from Sri Lanka to any other country, and *vice versa*, or within Sri Lanka, and to convert any currency held by it into any other currency provided that the transfer and conversion of funds or currency acquired in Sri Lanka or Sri Lanka rupee funds or currency, may be subject to such restrictions as are prescribed by law.

The World Conservation Union – IUCN, its assets, income and other proprieties shall be –

- (a) Exempt from all direct taxes: it is understood however that the World Conservation Union – IUCN will not claim exemptions from rates and taxes which are charges for public utility services:
- (b) Exempt from customs duties and taxes and prohibitions and restrictions, on imports and exports in respect of articles imported or exported by the World Conservation Union – IUCN for its official use. It is understood however, that articles imported under such exemptions shall be re-exported and shall not be sold within Sri Lanka, except with the prior permission of the Government of Sri Lanka. If sold within Sri Lanka, such articles will be liable to normal duties and taxes;

- (c) Exempt from customs duties and taxes and prohibitions and restrictions, on imports and exports in respect of its publications.

The World Conservation Union- IUCN shall enjoy for its official communications treatment not less favourable than that accorded by the Government of Sri Lanka to the United Nations, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephone and other communications; and press rates for information to the press, radio and television. No censorship shall be applied to the official correspondence and other official communications of the World Conservation Union – IUCN.

The World Conservation Union – IUCN shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags which shall have the same immunities and privileges as are extended to the UNDP office in Sri Lanka.

Such other privileges and immunities as are extended to the UNDP Office and its property, funds and assets, in Sri Lanka.

10-712/8

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

Order under Section 4

By virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the Commission of the European Communities, to the extent necessary to give effect to the terms of the Agreement on the Establishment and the Privileges and Immunities of the Delegation of the Commission of the European Communities in Sri Lanka, entered into with the Government of the Democratic Socialist Republic of Sri Lanka, on 19th September, 1995 the relevant articles of which Agreement are recited in the Schedule hereto.

MANGALA SAMARAWEEERA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September, 2016.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND THE COMMISSION OF THE EUROPEAN COMMUNITIES ON THE ESTABLISHMENT AND THE PRIVILEGES AND IMMUNITIES OF THE DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES IN SRI LANKA

ARTICLE 3

1. The Delegation of the Commission, its Head and its members, as well as the members of their families forming part of their respective households, shall on the territory of the Democratic Socialist Republic of Sri Lanka, enjoy such rights, privileges and immunities and be subject to such obligations as correspond to those laid down in the Vienna Convention of 18th April, 1961 on Diplomatic Relations and respectively accorded to and assumed by Diplomatic Missions accredited to the Democratic Socialist Republic of Sri Lanka, the heads and members of those Missions, as well as the members of their families forming part of their respective households.
2. The other provisions of the Vienna Convention of 18th April, 1961 on Diplomatic Relations shall be applicable *mutatis mutandis*.

3. Those rights and privileges and immunities shall be accorded on condition that, in conformity with the provisions of article 17 of the Protocol on the privileges and immunities of the European Communities annexed to the treaty establishing a single Council and a single Commission of the European Communities done at Brussels on 08th April, 1965, the Member States of the European Communities accord the same rights and privileges and immunities to the Missions of the Democratic Socialist Republic of Sri Lanka to its head and to its members, as well as to the members of their respective households.

10-712/8

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

Order under Section 4

By virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 9 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the Economic Development Cooperation Fund Representatives, Staff, Families and Office, to the extent necessary to give effect to the terms of Article 6 of the Arrangement between the Government of the Republic of Korea and the Government of the Democratic Socialist Republic of Sri Lanka Concerning Loans from the Economic Development Cooperation Fund for the Years 2016 through 2018, on 13th July, 2016 the relevant articles of which Arrangement are recited in the Schedule hereto.

MANGALA SAMARAWEEA, M. P.,
Minister of Foreign Affairs.

Colombo,
30th September, 2016.

SCHEDULE

FRAMEWORK ARRANGEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA CONCERNING LOANS FROM THE ECONOMIC DEVELOPMENT COOPERATION FUND FOR THE YEARS 2016 THROUGH 2018

2. The Sri Lankan Government shall accord the Representatives, Staff and their families, as well as the Office, the following privileges, exemptions and benefits:
 - (a) For the Representatives, Staff and their families:
 - (i) exemption from income tax and other fiscal charges imposed on or in connection with any emoluments or allowances remitted to them from overseas:
 - (ii) exemption from consular fees, customs duties, taxes and other charges of a similar nature other than those for storage cartage and similar services, in respect of the importation of personal and household effects, including one motor vehicle for each Representative and Staff member, with exemption from registration fees annual revenue license fees and driving license fees, provided that such imports are made within six(6) months of the arrival of the Representatives and Staff members.
 - (iii) exemption from special consumption tax and value added tax on one motor vehicle for each Representative or Staff member who does not import any motor vehicle into the Democratic Socialist Republic of Sri Lanka, in case of a local purchase;

- (iv) permission to enter, leave and sojourn in the Democratic Socialist Republic of Sri Lanka for the duration of their assignment therein, and the expediting and facilitation of the procedures for alien registration, and exemption from consular fees ;
- (v) issuance of one month entry visas, by the relevant authorities of the Democratic Socialist Republic of Sri Lanka, to the Representatives, Staff and their families for their entry into the country, and upon their arrival in the Democratic Socialist Republic of Sri Lanka issuance of multiple-entry residence visas valid for the duration of their assignment, by the Controller General of the Department of Immigration and Emigration of the Democratic Socialist Republic of Sri Lanka on the recommendation of the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka, in accordance with the prevailing immigration laws of the Democratic Socialist Republic of Sri Lanka ; and
- (vi) notification to the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka of the arrival of the Representatives and Staff and issuance of identification cards to secure the cooperation of all government agencies necessary for the performance of the duties of the Representatives and Staff.

(b) For the Office:

- (i) exemption from customs duties, taxes and other charges of a similar nature, other than those for storage, cartage and similar services, as well as from the requirements of obtaining import licenses and certificates of foreign exchange coverage, in respect of the importation of office equipment ;
- (ii) importation free of customs duties or local purchase, free of special consumption tax and value added tax, of motor vehicles necessary for Office activities provided that the number of cars is agreed between the relevant authorities of the two Governments ;
- (iii) exemption from income tax and other fiscal charges imposed on or in connection with funds for office expenses remitted from overseas ; and
- (iv) exemption from value added imposed on the Office rent ;

(c) Other measures necessary for the performance of the duties of the Representative Staff and Office.

3. The motor vehicles mentioned in paragraph 2 above shall be subject to the payment of customs duties and taxes if they are subsequently sold or transferred within the Democratic Socialist Republic of Sri Lanka to individuals or organizations not entitled to exemption from such duties and taxes or similar privileges.
4. The Representatives, Staff and their families, as well as the Office, importing goods free of customs duties taxes and other charges of a similar nature, in accordance with Sub paragraphs (a)(ii) and (b)(i) and (ii) of paragraph 2 above, shall present details of such goods to the authority concerned of the Sri Lankan Government to assist with import and re-export formalities.
5. The Representatives, Staff and their families, as well as the Office, shall re-export sell within the Democratic Socialist Republic of Sri Lanka or grant to the Sri Lankan Government on its approval the goods imported free of customs duties, taxes and other charges of a similar nature in accordance with the laws and regulations of the Democratic Socialist Republic of Sri Lanka.
6. The Sri Lankan Government shall accord the Representatives, Staff and their families, as well as the Office, privileges, exemptions and benefits no less favourable than those accorded to the representatives staff and their families, as well as the offices of executing agencies of any third country or of any international organization performing a similar mission in the Democratic Socialist Republic of Sri Lanka. These privileges shall not be applicable to Sri Lankan Nationals.