

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 15 of 2021

The Diplomatic Immunities and Privileges Act

(Laws, Volume 2, Cap. 20)

**The Diplomatic Immunities and Privileges (International
Center for Tropical Agriculture) Order, 2021**

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IN EXERCISE of the powers contained in section 4 of the Diplomatic Immunities and Privileges Act, the following Order is made:

Title	1. This Order may be cited as the Diplomatic Immunities and Privileges (International Centre for Tropical Agriculture) Order, 2021.
Interpretation	2. In this Order, unless the context otherwise requires —
Cap. 1	“citizen” has the meaning assigned to the word in the Constitution;
Act No. 18 of 2010	“established resident” has the meaning assigned to the words in the Immigration and Deportation Act, 2010;
	“Organisation” means the International Centre for Tropical Agriculture; and
	“representative of member State” includes a representative, deputy representative, advisor, technical expert and secretary of a delegation, but does not include a person who is a representative of the Government of the Republic.
Declaration under section 4	3. The Organisation is declared to be an organisation of which the Government and the government of certain other States are members.
Legal capacity	4. The Organisation has the legal capacity of a body corporate.
Immunity from suit and legal process	5. (1) Except in so far as in a particular case the Organisation has expressly waived its immunity, the Organisation has immunity from suit and legal process. (2) The waiver referred to under subparagraph (1) does not extend to a measure of execution.
Inviolability of official archives and premises	6. The Organisation has the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to the Republic.
Status of official communication	7. The official communication of the Organisation shall be accorded the same treatment as that accorded to official communications of international organisations and diplomatic missions.
Conditional exemption from taxes on import and export of goods	8. The Organisation, its operations and transactions are exempt from taxation and from customs, prohibitions and restrictions on imports and exports and in respect of articles imported by the Organisation for its official use, except that the articles imported may be sold or otherwise disposed of in the Republic in accordance with the conditions determined by the Commissioner-General under the Customs and Excise Act.
Cap. 322	

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| <p>9. The Organisation has the like exemption from rates and taxes on obligations or securities issued and securities guaranteed by the Organisation including dividends or interest on those securities by whomsoever held as is accorded to a sending state.</p> | <p>Relief from rates and taxes on obligations or securities guaranteed by Organisation</p> |
| <p>10. The Organisation has the right to avail itself, for electronic communications sent by the Organisation and containing only matters intended for publication by the press or for broadcasting, including communications addressed to or dispatched from places outside the Republic of reduced rates applicable for the corresponding service in the case of press telegrams.</p> | <p>Reduced rates for certain telegraphic communications</p> |
| <p>11. For the purpose of the application of this Order, the Organisation includes its organs, commissions, boards and other constituent parts, however styled.</p> | <p>Organisation to include parts</p> |
| <p>12. Except in so far as in a particular case an immunity or privilege is waived by the government concerned, a representative of the member States on an organ of the Organisation, or at a conference or seminar convened by the Organisation, shall enjoy—</p> <p>(a) while performing that representative's functions and from the place of meeting, the like immunity from personal arrest or detention and from seizure of that representative's personal baggage, and the like inviolability for the papers and documents as are accorded to a diplomatic agent of a sending State accredited to the Republic;</p> <p>(b) immunity from legal process of every kind in respect of words spoken or written and acts done in their capacity as a representative; and</p> <p>(c) while performing functions as representatives, and during their journey to, and from, the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent accredited to the Republic, except that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of personal baggage.</p> | <p>Immunities and privileges of representatives of member States</p> |

Immunities and privileges of high official of Organisation

13. (1) Except in so far as in a particular case, an immunity or privilege is waived by the Board of Trustees or by the Programme Coordinator of the Organisation, the Programme Coordinator of the Organisation and immediate assistants of the Programme Coordinator that may be agreed between the Organisation and the Government of the Republic, shall be accorded in respect of themselves, their spouses and children under the age of eighteen years the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent accredited to the Republic, the spouse and children of the diplomatic agent.

(2) The persons referred under subparagraph (1) enjoy exemption from income tax only in respect of emoluments received by those persons as officers of the Organisation, except that this paragraph applies to an official of the Organisation based in the Republic who is a citizen or an established resident only if the Government of the Republic consents.

Immunities and privileges of employees on mission

14. Except in so far as a particular case an immunity or privileges is waived by the Programme Coordinator, persons employed on behalf of the Organisation shall enjoy—

- (a) while performing their missions and during journeys in connection with the mission, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for the papers and documents relating to the work of the Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and acts done by them in the performance of their functions; and
- (c) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions as officers of the Organisation.

Immunities and privileges of other officials of organisation

15. Except in so far as in a particular case, an immunity or privilege is waived by the Board of Trustees, an official of the Organisation who shall be designated by the Programme Coordinator of the Organisation for this purpose other than those referred to in paragraph 13, shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and acts done, by them in the course of the performance of their official duties;

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- (b) exemption from income tax in respect of emoluments received by them as officials of the Organisation, except that this paragraph applies to an official of the Organisation based in the Republic who is a citizen or an established resident only if the Government of the Republic consents;
 - (c) the right to import free of duty within nine months of commencement of a contract of service or a reasonable time that may be agreed on between the Government of the Republic and the Programme Coordinator of the Organisation in each individual case, their furniture and personal effects, including one motor vehicle at the time first taking up their post in the Republic;
 - (d) immunity from seizure of their personal and official baggage;
 - (e) immunity together with their spouses and families forming part of their households from immigration restrictions and alien registration;
 - (f) immunity from national service obligations, except that this does not apply to an official of the Organisation who is a citizen or an established resident and is based in the Republic;
 - (g) the same privileges in respect of exchange facilities as are accorded to an official of comparable ranks forming part of diplomatic missions accredited to the Republic in accordance with the laws of the Republic;
 - (h) the same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys; and
 - (i) exemption from any form of direct taxation on income derived from sources outside the Republic and the freedom to maintain within the Republic, or elsewhere foreign securities and other movable and immovable property while employed by the Organisation, and at the time of termination of that employment, the right to take out of the Republic funds in nonRepublic currencies without any restrictions if the officials show good cause for their lawful possession of the funds.

Immunities
and
privileges of
locally
recruited
staff

16. Subject to the other provisions of this Order, locally recruited staff excluding their spouses and other members of their families forming part of their household, shall enjoy immunities and privileges specified in paragraph 15 (a), (b), (e) and (g) except that paragraph 15 (g) applies in respect of official purposes only.

Lusaka
2nd March, 2020
[MFA.104/19/1]

E. C. LUNGU,
President