



**DIPLOMATIC PRIVILEGES (CHEMICAL WEAPONS
CONVENTION INSPECTORS AND OBSERVERS) ORDER 1997**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of July 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 10A of the Diplomatic Privileges and Immunities Act 1968, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Diplomatic Privileges (Chemical Weapons Convention Inspectors and Observers) Order 1997.

(2) This order comes into force on 18 July 1997.

2. Interpretation—In this order, unless the context otherwise requires,—

“Convention” has the meaning given to that term by section 2 (1) of the Chemical Weapons (Prohibition) Act 1996:

“Director-General” means the Director-General of the Technical Secretariat established by the Convention:

“Inspector”, “inspection assistant”, and “observer” have the meanings given to those terms in the Verification Annex to the Convention.

*Privileges and Immunities of Inspectors and Inspection Assistants***3. Privileges and immunities of inspectors and inspection assistants while in New Zealand conducting inspection—**

(1) Inspectors and inspection assistants who are in New Zealand while conducting an inspection enjoy—

- (a) The like immunity from suit and legal process as is accorded to a diplomatic agent:
- (b) The like inviolability of residence and official premises as is accorded to a diplomatic agent:
- (c) The like exemption from dues and taxes as is accorded to a diplomatic agent:
- (d) The same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.

(2) Inspectors and inspection assistants who are in New Zealand while conducting an inspection are permitted to bring into New Zealand, without payment of any customs duties or related charges, articles for personal use, other than articles the import or export of which is prohibited by law or controlled by quarantine regulations.

4. Privileges and immunities of inspectors and inspection assistants transiting through New Zealand—

Inspectors and inspection assistants when transiting through New Zealand in the exercise of their official functions other than conducting an inspection in New Zealand enjoy the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations.

5. Privileges and immunities of inspectors and inspection assistants in relation to records, etc—

While inspectors and inspection assistants are in New Zealand conducting an inspection or are transiting through New Zealand in the exercise of their official functions other than conducting an inspection in New Zealand, the inspectors and inspection assistants enjoy,—

- (a) In respect of the papers and correspondence, including records, of the inspectors and inspection assistants, the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations:
- (b) The inviolability, subject to provisions contained in the Convention, of samples and approved equipment carried by inspectors and inspection assistants, and exemption from all customs duties in relation to those samples and that approved equipment.

Privileges and Immunities of Observers

6. Privileges and immunities of observers—Observers enjoy the same privileges and immunities conferred on inspectors and inspection assistants by this order except those privileges and immunities conferred by clause 5 (b).

Privileges and Immunities Subject to Waiver

7. Privileges and immunities subject to waiver—The privileges and immunities conferred by this order do not apply in so far as in any particular case any privilege or immunity is expressly waived by the Director-General.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order applies to inspectors and inspection assistants who are appointed under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. It also applies to certain persons observing inspections.

The order confers certain privileges and immunities on inspectors, inspection assistants, and observers while they are in New Zealand conducting or observing an inspection, and while they are transiting through New Zealand in the exercise of their official functions.

The order comes into force on 18 July 1997.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 17 July 1997.
This order is administered in the Ministry of Foreign Affairs and Trade.