

## CHAPTER 6

### Diplomatic Missions

#### SECTIONS

- § 601.       **Recognition of diplomatic missions.**
- § 602.       **Exceptions based upon reciprocity.**
- § 603.       **Dismissal on motion of actions against individuals entitled to immunity.**
- § 604.       **Immigration laws and Presidential authority.**
- § 605.       **Liability insurance for diplomatic agents.**

#### **§ 601. Recognition of diplomatic missions.**

The President of the Federated States of Micronesia is authorized to enter into diplomatic relations with foreign governments and to consent to the establishment of diplomatic missions in the Federated States of Micronesia. Unless otherwise provided by law, treaty, or the President pursuant to section 602 of this title, such missions, members of the mission, and their families and private servants, and diplomatic couriers assigned to the mission shall be afforded the privileges, immunities, protections, and exemptions specified in the Vienna Convention on Diplomatic Relations of April 18, 1961.

**Source:** PL 4-105 § 1.

**Cross-reference:** FSM Const., art. X, § 2(b) states:

Section 2. The following powers are expressly delegated to the President:

...

(b) to receive all ambassadors and to conduct foreign affairs and the national defense in accordance with national law;

...

The provisions of the Constitution are found in Part I of this code.

Section 112 of title 54 (Taxation and Customs) provides exemptions from gross revenue and wages and salaries taxation for certain foreign and international entities and foreign citizens when required by foreign aid agreements.

**§ 602. Exceptions based upon reciprocity.**

The President may, on the basis of reciprocity and such terms and conditions as he may determine, specify privileges, immunities, protections, and exemptions which result in different treatment than that specified under the Vienna Convention on Diplomatic Relations of April 18, 1961.

**Source:** PL 4-105 § 2.

**§ 603. Dismissal on motion of actions against individuals entitled to immunity.**

Any action or proceeding brought against an individual who is entitled to immunity with respect to such action or proceeding pursuant to this chapter, or under any other laws of the Federated States of Micronesia extending diplomatic privileges and immunities, shall be dismissed. Such immunity may be established upon motion or suggestion by or on behalf of the individual, or as otherwise permitted by law or applicable rules of procedure.

**Source:** PL 4-105 § 3.

**§ 604. Immigration laws and Presidential authority.**

Section 107 of title 50 of this code shall not apply to any person granted privileges, immunities, protections, or exemptions under this chapter, except to the extent otherwise provided by law or treaty. However, nothing contained in this section shall be construed as diminishing the authority of the President or his authorized representative to declare such persons *persona non grata* or unacceptable and effectuate their removal or departure from the Federated States of Micronesia. If a person is declared *persona non grata* or unacceptable and fails to depart the Federated States of Micronesia within a reasonable length of time, such person's privileges, immunities, protections, and exemptions shall cease and he shall be promptly deported.

**Source:** PL 4-105 § 4.

**Cross-reference:** Section 107 of title 50 (Immigration) of this code is on entry permits - standards of exclusion and deportation.

**§ 605. Liability insurance for diplomatic agents.**

(1) Each mission and all persons receiving privileges and immunities pursuant to this chapter must comply with any requirements imposed by the regulations promulgated by the President pursuant to subsection (2) of this section.

(2) The President shall, by regulations promulgated in accordance with chapter 1 of title 17 of this code, establish liability insurance requirements to be met by each mission and all persons receiving privileges and immunities pursuant to this chapter. Such liability insurance requirements shall relate to risks arising from the operation in the Federated States of Micronesia of any motor vehicle, vessel, or aircraft.

(3) The President shall take such steps as he may deem necessary and proper to insure that each mission and all persons receiving privileges and immunities pursuant to this chapter that operate motor vehicles, vessels, or aircraft in the Federated States of Micronesia comply with the requirements established pursuant to subsection (2) of this section.

(4) Nothing contained in this chapter shall be construed as authorizing the dismissal of any action or proceeding against an insurer who by his contract has insured a person entitled to immunity under this chapter against liability for personal injury, death, or damage to property. The immunity of the insured, the fact that the insured is an indispensable party, or in the absence of fraud or collusion, the fact that the insured has violated a term of the contract, unless the contract was canceled before the claim arose, shall not constitute defenses in any such action or proceeding against an insurer.

**Source:** PL 4-105 § 5.

**Cross-reference:** The statutory provisions of chapter 1 of title 17 of this code are on FSM Administrative Procedures.