

## CHAPTER 2

### International Organization Immunities

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#### § 201. Short title.

This chapter may be cited as the "International Organization Immunities Act of 1974."

**Source:** COM PL 5-55 § 1; TT Code 1980, 53 TTC 251.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

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The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

#### § 202. International organization defined—Authority of President.

(1) For the purpose of this chapter the term "international organization" means a public international organization which shall have been designated by the President of the Federated States of Micronesia through appropriate executive order as being entitled to enjoy the privileges, exemptions, and immunities provided in this chapter.

(2) The President shall be authorized, in the light of the functions performed by any such international organization, to withhold or withdraw by appropriate executive 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.

(3) The President shall be authorized, if in his 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 any 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.

**Source:** COM PL 5-55 § 2; TT Code 1980, 53 TTC 252; PL 4-115 § 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.

### **§ 203. Privileges, exemptions, and immunities of International organizations.**

International organizations shall be accorded the status, immunities, exemptions, and privileges set forth in this section, as follows:

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

- (a) to contract;
- (b) to acquire and dispose of personal property; and
- (c) to institute legal proceedings.

(2) 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 Federated States of Micronesia 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.

(3) 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.

(4) 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 Federated States of Micronesia under similar circumstances to foreign governments.

(5) The protection of resident workers act shall not apply to international organizations.

**Source:** COM PL 5-55 § 3; TT Code 1980, 53 TTC 253; PL 4-115 § 2.

#### **§ 204. Baggage and effects of officers and employees.**

Pursuant to regulations prescribed by the President, or as otherwise provided by law, 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.

**Source:** COM PL 5-55 § 4; TT Code 1980, 53 TTC 254; PL 4-115 § 3.

**Cross-reference:** The statutory provisions on Taxation and Customs are found in title 54 of this code.

#### **§ 205. Exemption from property taxes.**

International organizations shall be exempt from all property taxes imposed by, or under the authority of, any law of the Federated States of Micronesia or any political subdivision thereof.

**Source:** COM PL 5-55 § 5; TT Code 1980, 53 TTC 255; PL 4-115 § 4.

**Cross-reference:** The statutory provisions on Taxation and Customs are found in title 54 of this code.

#### **§ 206. Income of international organizations.**

The income of international organizations received from investments in the Federated States of Micronesia in

stocks, bonds, or other domestic securities, owned by such international organizations, or from interest on deposits in banks in the Federated States of Micronesia of moneys belonging to such international organizations, or from any other sources within the Federated States of Micronesia shall be exempt from taxation under all tax laws of the Federated States of Micronesia and of its political subdivisions.

**Source:** COM PL 5-55 § 6; TT Code 1980, 53 TTC 256; PL 4-115 § 5.

**Cross-reference:** The statutory provisions on Taxation and Customs are found in title 54 of this code. Section 112 of title 54 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.

### **§ 207. 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 Federated States of Micronesia and of its political subdivisions if such employee is not a citizen of the Federated States of Micronesia.

**Source:** COM PL 5-55 § 7; TT Code 1980, 53 TTC 257; PL 4-115 § 6.

**Cross-reference:** The statutory provisions on Taxation and Customs are found in title 54 of this code. Section 112 of title 54 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.

### **§ 208. 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 Federated States of Micronesia, shall, insofar as concerns laws regulating entry into and departure from the Federated States of Micronesia, 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 Federated States of Micronesia 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.

**Source:** COM PL 5-55 § 8; TT Code 1980, 53 TTC 258; PL 4-115 § 7.

**Cross-reference:** The statutory provisions on Labor are found in title 51 of this code.

**§ 209. Notification to and acceptance by President 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 President as a representative officer or employee; or

(b) shall have been designated by the President, 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 President determine that the continued presence in the Federated States of Micronesia of any person entitled to the benefits of this chapter is not desirable, he 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 President, to depart from the Federated States of Micronesia, 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 in this chapter.

**Source:** COM PL 5-55 § 9; TT Code 1980, 53 TTC 259; PL 4-115 § 8.

**Cross-reference:** The statutory provisions on Immigration are found in title 50 of this code. The statutory provisions on Labor are found in title 51 of this code.