

**Decree of 1969**  
**approving the Kingdom of Libya's accession**  
**to the Protocol on the Immunities and Privileges of**  
**the Organisation of Arab Petroleum Exporting Countries and Employees Thereof**

**The Cabinet:**

**Upon review of:**

- Article (84) of the Constitution;
- The Cabinet Decree issued on 10 December 1967 approving the Kingdom of Libya's accession to the Organisation of Arab Petroleum Exporting Countries;
- Based on the submission of the Minister of Petroleum Affairs;

**has decreed:**

**Article (1)**

The accession of the Kingdom of Libya to the Protocol attached hereto on the immunities and privileges of the Organisation of Arab Petroleum Exporting Countries and employees thereof shall be approved.

**Article (2)**

This Decree shall be published in the Official Gazette.

**Issued in Al-Bayda on 3 Rabi' al-Thani 1389**  
**Corresponding to 18 June 1969**

**Wanis al-Qaddafi**  
**Prime Minister**

## **Protocol on the Immunities and Privileges of the Organisation of Arab Petroleum Exporting Countries and Employees Thereof**

The Governments of the founding states of the Organisation of Arab Petroleum Exporting Countries, pursuant to the Agreement entered into in Beirut on 9 January 1968 AD, corresponding to 9 Shawwal 1387 AH, namely:

The Government of the Kingdom of Saudi Arabia, represented by His Excellency Sheikh Ahmed Zaki Yamani, Minister of Petroleum and Mineral Resources;

The Government of the Kingdom of Libya, represented by Mr. Ibrahim al-Hanqari, on behalf of the Minister of Petroleum Affairs.

The Government of the State of Kuwait, represented by His Excellency Mr. Abd al-Rahman Salim al-Atiqi, Minister of Finance and Oil.

Seeking to establish between and among them a protocol on the diplomatic privileges and immunities enjoyed by the Organisation of Arab Petroleum Exporting Countries and employees thereof in the Organisation's member countries, have agreed to the following rules:

### **Article (1)**

The expressions used in this Protocol shall have the following meanings:

"Organisation" shall mean the Organisation of Arab Petroleum Exporting Countries.

"Agreement" shall mean the agreement entered into by the Kingdom of Saudi Arabia and the State of Kuwait in Beirut on 9 January 1968 AD, corresponding to 9 Shawwal 1398 AH.

"Organisation Employee" shall mean the Organisation's secretary-general, assistant secretaries, department directors, section heads, and senior employees who are citizens of the member countries and whose names are reported by the Organisation's secretary-general to the concerned bodies in the member states.

### **Article (2)**

- a. The inviolability of the buildings occupied by the Organisation shall be safeguarded and no employee or person may assume any public authority in the country in which the Organisation occupies any buildings to enter such buildings to perform any duty related to their position except by written permission and authorisation from the Organisation's secretary-general and under the agreed conditions, provided the Organisation not allow the use of its buildings as a refuge to shelter any person.
- b. The country in which the Organisation occupies any buildings shall undertake all means necessary to protect them, prevent break-ins or damages thereto, or disturbance of the Organisation's security or denigration of its dignity.
- c.
  1. The Organisation's property or assets (or the means of transportation and communication used by the Organisation), wherever located and whoever possessed by, shall not be subject to inspection, seizure, appropriation, or similar coercive measures.
  2. This immunity may not be waived except by an express decision from the Organisation's Council of Ministers, and the concerned body in the relevant country shall be notified of such in writing by the secretary-general.
- d. The Organisation's files and documents shall be inviolable at all times and in all places.
- e. For the purposes of this Protocol, the expression "the Organisation's buildings" shall include all buildings, portions of buildings, and lands attached thereto, wherever located, that are occupied by the Organisation, whether owned, rented, or occupied in any other capacity by the Organisation as well as the headquarters of the secretary-general.

- f. The expression "Organisation's property or assets" shall include all property and balances in the Organisation's custody or that are managed by the Organisation for the purposes of achieving its goals.

### **Article (3)**

- a. Member countries shall, within the limits allowed by its regulations and laws, facilitate the Organisation's possession, in the regions of the member countries, of the buildings required by the Organisation or facilitate its obtaining of buildings in other ways.
- b. Member countries shall, if required, assist the Organisation in obtaining the housing needed for Organisation employees.

### **Article (4)**

Member countries shall grant to the Organisation all facilities in order to enable it to perform its competencies and achieve its goals.

### **Article (5)**

The Organisation has the right to hang its logo on its buildings and on the headquarters of the Organisation's secretary-general as well as on its various modes of transportation.

### **Article (6)**

The Organisation's buildings shall not be used for objectives that conflict with the Organisation's competencies and goals.

### **Article (7)**

The Organisation shall have complete freedom to perform the following actions without being subject in such to any financial restrictions or legal regulations or order to stop payment of debts of any kind:

- a. Possess money or any currency and operate its account in any currency.
- b. The right to transfer and transport its money or currency from one country to another or within a country as well as convert the money it has in any currency to any other currency.

In the exercise of the rights set out in this Article, the Organisation shall take into consideration any observations advanced by the government of a member country, to the extent that these observations do not hinder the Organization's interests.

### **Article (8)**

The Organization and the Organization's movable and immovable property, income, and other property shall be exempted from the following burdens:

- a. All direct taxes, not including the fees collected for the use of public facilities or for public services.
- b. Customs duties and all barriers and restrictions imposed on the import and export of the materials imported or exported by the Organisation for its official use, as well as on the import and export of its publications, with the exception of storage and transport fees and other expenses collected for public services.

The materials imported under this exemption may not be sold in the country where it enjoys the exemption, except under the terms the Organisation agrees upon with the government of that country.

- c. The provisions of this Article shall also apply to any property or amounts collected by the Organisation from its official activities or managed thereby to facilitate its performance of its competencies and achievement of its goals.

#### **Article (9)**

For the purposes of official communications, the Organisation shall enjoy in member countries the treatment given by the government of the concerned country to any other government for its diplomatic delegations, with regard to priority, fees, and duties for mail, telegrams, telephones, transmitting images by radio, and similar means of communication, as well as for the fees applied to the media when sending information to newspapers and for radio and telephone.

#### **Article (10)**

Member countries shall enable employees of the Organisation to move and pass freely throughout its regions, without prejudice to the regulations and instructions on prohibited areas or areas with limited entry for reasons related to national security.

#### **Article (11)**

- a. No surveillance may be imposed on the Organisation's official communications or correspondence. The Organisation shall have the right to use codes in its communications and correspondence, and also has the right to use all means of communication needed, including the use of diplomatic pouches.
- b. The organisation may not install or use a radio transmitter station except with the approval of the government of the country in whose region it wants to install or use the station.
- c. The Organisation's diplomatic pouches may not be opened or seized.
- d. The packages of the Organisation's diplomatic pouch must bear visible external markings indicating their nature, and the pouch must not contain anything other than documentation and items sent for official use.
- e. The carrier of the Organisation's diplomatic pouch must have an official document establishing the capacity and number of packages in the diplomatic pouch. The carrier of the pouch shall not be subject to any type of arrest or detention.

#### **Article (12)**

Country delegates to Organisation meetings shall, during the performance of their duties related to the Organisation and their travel to and from the meeting location, enjoy the following immunities and privileges:

- a. Immunity from arrest, detention, or the seizure of their personal belongings, and judicial immunity with regard to oral or written statements or work in their official capacity as delegates of the member countries. This judicial immunity shall last until their representative capacity ends with regard to anything done thereby in said capacity.
- b. All papers and documentation shall be inviolable.
- c. The right to use codes in their letters and receive their correspondence through private messenger or stamped pouches.
- d. The right for themselves, their spouses, minor children, and unmarried daughters to be exempted from immigration restrictions and laws, the foreigner residency registration, and the requirements of national service in the country in which the meeting is being held or through which they pass while performing their official duties related to the Organisation.

- e. The facilities granted to representatives of foreign countries sent temporarily on official business with regard to currency and exchange.
- f. The immunities and facilities granted to diplomatic representatives with regard to their personal possessions.
- g. The provisions of this Article shall not bar delegates from enjoying privileges and immunities if their personal status justifies such.
- h. The provisions of the preceding clauses of this Article shall not apply to delegates with respect to the authorities of the country of which they are a citizen or for which they are or were a delegate.
- i. The privileges and immunities shall not be granted to representatives of member countries for their personal interest, but to ensure their enjoyment of full freedom and independence in the performance of their duties related to the Organisation.  
Thus, each country that is a member of the Organisation has the right to, and in fact is required to, lift the immunity from its delegates whenever it is deemed that this immunity prevents the administration of justice and that such may be done without harming the purpose for which it was granted.
- j. The expression "delegates of member countries" shall mean all representatives of member countries at Organisation meetings and the alternate representatives, advisers, technical experts, and secretaries of the delegations.
- k. The expression "Organisation meetings" shall mean meetings of the main or subsidiary boards of the Organisation and the conferences held by the Organisation.

### **Article (13)**

The Organisation shall be exempted from the social insurance provisions and laws in force in the member countries, however, this shall not bar optional participation in the social insurance system in one or more member country if the law of such country or countries allows.

### **Article (14)**

Organisation employees shall enjoy the following immunities and privileges:

- a. Judicial immunity with regard to oral or written statements or work. This judicial immunity shall last until their official capacity ends with regard to anything done thereby in said capacity.
- b. Exemption from taxes on salary and remunerations collected from the Organisation.
- c. Exemption of themselves, their spouses, and family members supported thereby from immigration restrictions and foreigner registration procedures.
- d. The same facilities granted to employees of their level who are members of diplomatic missions approved by the government of the concerned country with regard to facilities on currency and exchange.
- e. The same facilities granted to diplomatic delegations at times of international crises, with regard to returning to their country, for themselves, their spouses, and family members supported thereby.
- f. Exemption from customs duties for any furniture and property imported in the course of the year from the date they accept the job when first getting settled in the relevant country.

### **Article (15)**

In addition to the immunities and privileges set out in Article (14), the secretary-general and assistant secretaries-general and the spouses and minor children thereof shall all enjoy the privileges, immunities, exemptions, and facilities granted to diplomatic representatives under international law.

### **Article (16)**

Organisation employees shall enjoy the immunities and privileges granted thereto from the date the concerned country is notified of the names thereof. These immunities and privileges shall end on the date the concerned country is notified of the end of their work in the Organisation. In such, if the employee is not a citizen of the country in which they work and is not a permanent resident thereof, they shall continue to enjoy the privileges and immunities granted thereto until the end of a reasonable period enabling them to leave that country.

### **Article (17)**

The privileges and immunities shall be granted to employees to enable them to perform the duties of their position freely and independently and not for personal interest. The secretary-general has the right and in fact must lift the immunity of any employee and in any situation he deems such immunity to prevent the administration of justice and that such immunity may be lifted without harming the Organisation's interests. The Organisation's Council of Ministers shall have the right to lift the immunity of the secretary-general.

### **Article (18)**

At all times, the Organisation shall cooperate with the competent authorities in the member countries to facilitate the proper administration of justice, ensure the observation of the local laws and regulations, and prevent any misuse of the privileges, immunities, and facilities set out in this Protocol.

### **Article (19)**

Organisation employees may not engage in any professional or commercial activity for personal gain in the member country.

### **Article (20)**

None of the activities performed within the scope of the official duties of any of the persons enjoying immunities and privileges in accordance with this Protocol shall be deemed to be cause for preventing them from entering the territory of the country in which they perform their official duties or cause for demanding they depart such country.

If one such person misuses the residence privileges or engages in any activity in the country in which they are performing their official duties that conflicts with the interests of that country and exceeds the bounds of their official capacity, such immunities and privileges shall not exempt them from the right of that country to deport them, provided the minister of foreign affairs of the government of that country agrees, after consulting the secretary-general.



### **Article (21)**

The Organisation's communications with the member countries shall be through the representatives of the member countries in the Organisation's Council of Ministers.

### **Article (22)**

The provisions of this Protocol shall be applied and interpreted along the lines of the Agreement establishing the Organisation and the amendments made to such Agreement.

In the event of a conflict in the application and interpretation of this Protocol, decisions thereon shall be the compulsory jurisdiction of the Organisation's Judicial Authority

Until the aforementioned Judicial Authority is established, the application and interpretation of this Protocol shall be the jurisdiction of the Organisation's Council of Ministers. Decisions of the Council of Ministers in this regard shall be subject to the provisions on issuing decisions on substantial matters, and the decision shall be final and binding.

### **Article (23)**

- a. This Protocol shall enter into force for each member country signatory thereto as of the date the member's accession agreement is filed with the General Secretariat.
- b. Such shall enter into force for each country that is not a signatory thereto that accedes to the Organisation from the date its membership is accepted in accordance with Article (7)(b)(3) of the Agreement, provided the undertaking presented by the country requesting membership in accordance with Article (7)(b)(2) of the Agreement includes an explicit undertaking to abide by the provisions of this Protocol.
- c. Filing the accession document under paragraph (a) of this Article or submission of the undertaking set out in paragraph (b) thereof shall implicitly mean that the concerned country has completed the constitutional procedures to make this Protocol part of its domestic legislation.
- d. This Protocol shall remain in force for any member country for as long as it retains its capacity as a member of the Organisation.

### **Article (24)**

This Protocol was drawn up in three original copies and each member shall keep a copy thereof. This Protocol shall be appended to the Agreement establishing the Organisation and be deemed an integral and substantial part thereof.

**Entered into in Kuwait City on:**

**Government of the  
State of Kuwait**

**Government of the  
Kingdom of Libya**

**Government of the  
Kingdom of Saudi Arabia**