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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

THE DIPLOMATIC PRIVILEGES ACT, No. 09 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 09 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act, shall apply in respect of the Asia Foundation to the extent necessary to give effect to the terms of the Agreement entered into between the Government of the Democratic Socialist Republic of Sri Lanka and the Asia Foundation, USA on 07th February, 1980, the relevant articles of which are recited in the schedule hereto.

MANGALA SAMARAWEEERA, (M.P.)
Minister of Foreign Affairs.

Colombo,
12th January, 2006.

SCHEDULE

PRIVILEGES, EXEMPTION AND IMMUNITIES TO BE GRANTED

In terms of the Agreement entered into between the Government of Sri Lanka and the Asia Foundation USA, on 07th February, 1980 and to facilitate the administration and operation of the Asia Foundation's Operations programmes, the following facilities will be provided by the Government of Sri Lanka to the Asia Foundation Office in Sri Lanka and its assigned foreign employees :

1. Exemption from customs duties and import taxes on all vehicles, equipment, materials and supplies either for program, office administration, or personal household use of the Foundation and its assigned foreign employees, consultants or specialists upon condition that those will not be sold without payment of appropriate customs duties, taxes and charges nor donated in Sri Lanka without the approval of Government. The Foundation shall be entitled to re-export any such equipment and material to which it has retained title.
2. The Government shall within existing laws and regulations, facilitate and expedite the clearance, warehousing and local distribution to approved institutions of donated books and journals or other educational and instructional material that may, by mutual agreement be included in the assistance program. This provision does not require any financial obligation on the part of Sri Lanka Government. Any provision by Government of facilities or services should be covered by a subsequent letter of understanding.

3. Foreign personnel employed by the Foundation and any foreign consultants and specialists provided to Sri Lanka by the Foundation shall be exempt from Sri Lankan taxes on their income and allowances, in cash or kind.
4. The Government of Sri Lanka shall also assist the Foundation in obtaining multiple entry and exit visas and other necessary documents required by Sri Lankan Law and Regulations for any foreign employees, consultants or specialists engaged by the Foundation for their Program Activity in Sri Lanka as along as the entry of such personnel to Sri Lanka have the prior approval of the Ministry of Plan Implementation.

02-828

THE DIPLOMATIC PRIVILEGES ACT, No. 9 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 09 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act, shall apply in respect of the United Nations Office for Project Services (UNOPS) to the extent necessary to give effect to the terms of the Notes exchanged between the Government of the Democratic Socialist Republic of Sri Lanka and the United Nations Office for Project Services (UNOPS) dated 25th October, 2005, the relevant articles of which are recited in the schedule hereto.

MANGALA SAMARAWEEA, (M.P.)
Minister of Foreign Affairs.

Colombo,
12th January, 2006.

SCHEDULE

PRIVILEGES, EXEMPTION AND IMMUNITIES TO BE GRANTED

In terms of the Notes of Exchange between the Government of the Democratic Socialist Republic of Sri Lanka and the United Nations Office for Project Services (UNOPS) the following facilities will be provided by the Government of Sri Lanka to the UNOPS and its staff members and persons performing official functions for UNOPS :

1. In the performance of its functions and activities in Sri Lanka, UNOPS shall possess juridical personality, and thus shall have the capacity to contract, to acquire and dispose of immovable and movable property, and to institute legal proceedings, in conformity with the Convention on the Privileges and Immunities of the United Nations of 13 February, 1946 and the laws of Sri Lanka.
2. The Government of Sri Lanka agrees to apply the Convention on the Privileges and Immunities of the United Nations of 13 February, 1946, generally, and in particular the provisions on the privileges, immunities, inviolability, and facilities specified therein, to UNOPS and its staff members as well as other persons who perform official functions for UNOPS, except those who are locally recruited and assigned to hourly rates.

02-829

THE DIPLOMATIC PRIVILEGES ACT, No. 09 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 09 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act, shall apply in respect of the United Nations Development Programme (UNDP) Regional Service Centre for Asia and the Pacific to the extent necessary to give effect to the terms of the Notes exchanged between the Government of the Democratic Socialist Republic of Sri Lanka and the United Nations Development Programme (UNDP) Regional Service Centre for Asia and the Pacific on 18th and 25th of October, 2005, the respectively, the relevant articles of which are received in the schedule hereto.

MANGALA SAMARAWEEERA, (M.P.)
Minister of Foreign Affairs.

Colombo,
12th January, 2006.

SCHEDULE

PRIVILEGES, EXEMPTION AND IMMUNITIES TO BE GRANTED

In terms of paragraphs 2, 3 and 4 the Notes of Exchange between the Government of the Democratic Socialist Republic of Sri Lanka and the United Nations Development Programme (UNDP) the following facilities will be provided by the Government of Sri Lanka to the UNDP and its staff members and persons performing official functions for UNDP :

1. (i) The Convention on the privileges and Immunities of the United Nations, to which Sri Lanka acceded on 19th June, 2003, shall apply to the Centre, its premises, property, funds and assets as well as to its personnel and their official activities in Sri Lanka.

(ii) In addition, the provisions of the Basic Agreement concerning assistance by the UNDP to the Government of the Democratic Socialist Republic of Sri Lanka signed on 20th March, 1990 ("the Basic Agreement") shall apply, *mutates mutandis*, to the Centre, its premises, property, funds and assets as well to its personnel and their official activities in Sri Lanka.
2. Without prejudice to paragraph 1(ii) above, and to the leading role and overall responsibility of the UNDP Resident Representative under Article II, paragraph 4 of the Basic Agreement, the references in the operative provisions of the Basic Agreement to:

(i) "UNDP" or "UNDP" Mission shall be deemed to mean "the Centre".

(ii) "the UNDP Resident Representative" or Resident Representative" shall be deemed to mean "the Manager of the Centre".
3. Article V and VI of the Basic Agreement shall not apply to the Centre. The Manager of the Centre shall be accorded with full diplomatic status.

THE DIPLOMATIC PRIVILEGES ACT, No. 09 OF 1996

Order under Section 4

BY virtue of the powers vested in me by Section 4 of the Diplomatic Privileges Act, No. 09 of 1996, I, Mangala Samaraweera, Minister of Foreign Affairs, do, by this Order, declare that the provisions of the aforesaid Act, shall apply in respect of the Japan International Cooperation Agency (JICA) to the extent necessary to give effect to the terms of the Agreements on Technical Cooperation between the Government of Japan and Government of the Democratic Socialist Republic of Sri Lanka entered into on 12th October, 2005, the relevant articles of which are recited in the schedule hereto.

MANGALA SAMARAWEEA, (M.P.)
Minister of Foreign Affairs.

Colombo,
12th January, 2006.

SCHEDULE

PRIVILEGES, EXEMPTION AND IMMUNITIES TO BE GRANTED

In terms of Articles V, VI, VII, VIII and IX of the Agreement on Technical Co-operation between the Government of Japan and the Government of the Democratic Socialist Republic of Sri Lanka, the following facilities will be provided by the Government of Sri Lanka to the Experts, the Senior Volunteers and members of the Mission, dispatched by the Japan International Co-operation (JICA).

ARTICLE V

1. (i) (a) Exempt the Experts, the Senior Volunteers and the members of the Missions from taxes including income tax and fiscal charges imposed on or in connection with salaries and any allowance remitted to them from abroad ;
(b) Exempt the Experts, the Senior Volunteers, members of the Missions and their families from consular fees, taxes including customs duties and fiscal charges, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation, within 6 months of their initial arrival of :
 - (i) Luggage ;
 - (ii) Personal effects, household effects and consumer goods ; and
 - (iii) One motor vehicle per Expert and per Senior Volunteer assigned to stay in the Democratic Socialist Republic of Sri Lanka ;
- (c) Exempt the Experts and the Senior Volunteers who do not import any motor vehicle into the Democratic Socialist Republic of Sri Lanka from taxes including value added tax and fiscal charges in respect of the local purchase of one motor vehicle per Expert and per Senior Volunteer, within 6 months of their initial arrival ; and

- (d) Exempt the Experts and the Senior Volunteers from the registration fee of the motor vehicles mentioned in (b) (iii) and (c).
 - (ii) (a) provide at its own expense suitable office and the other facilities including telephone and facsimile services necessary for the performance of the duties of the Experts, the Senior Volunteers and the Mission as well as to bear the expenses for their operation and maintenance ;
(b) Provide at its own expense the local staff (including adequate interpreters, if necessary) as well as Sri Lankan counterparts to the Experts, the Senior Volunteers and the Missions necessary for the performance of their duties ;
(c) Bear expenses of the Experts and the Senior Volunteers for :
 - (i) daily transportation to and from their place of work ;
 - (ii) Their official travels within the Democratic Socialist Republic of Sri Lanka ; and
 - (iii) their official correspondence.
 - (d) provide the convenience for acquisition of appropriate housing accommodation for the Experts, the Senior Volunteers and their families ; and
 - (e) Provide the convenience for receiving medical care and facilities for the Experts, the Senior Volunteers, members of the Missions and their families.
 - (iii) (a) Permit the Experts, the Senior Volunteers, members of the Missions and their families to enter leave and sojourn in the Democratic Socialist Republic of Sri Lanka for the duration of their assignment therein, offer them the convenience for procedures of alien registration requirements, and exempt them from consular fees ;
(b) Issue identification cards to the Experts, the Senior Volunteers and members of the Missions to secure the cooperation of all governmental organizations necessary for the performance of their duties ;
(c) Offer the Experts, the Senior Volunteers and their families the convenience for acquisition of car driving license ; and
(d) provide necessary assistance to the Experts, the Senior Volunteers and the Missions to carry out their duties in relations to this agreement.
2. The Motor vehicles and durable household effects mentioned in paragraph 1, shall be subject to payment of taxes including customs duties if they are subsequently sold or transferred within the Democratic Socialist Republic of Sri Lanka to individuals or organizations not entitled to exemption from such taxes or similar privileges.
3. The Government of the Democratic Socialist Republic of Sri Lanka shall accord the Experts, the Senior Volunteers, members of the Missions and their families such privileges, exemptions and benefits as are no less favorable than those accorded to experts, senior volunteers, members of missions and their families of any third country or of any international organization performing a similar mission in the Democratic Socialist Republic of Sri Lanka.

ARTICLE VI

The Government of the Democratic Socialist Republic of Sri Lanka shall bear claims, if any arising, against the Experts, the Senior Volunteers and members of the Missions resulting from, occurring in the course of, or otherwise connected with, the performance of their duties, except when the two Governments agree that such claims arise from gross negligence or willful misconduct on the part of the Experts, the Senior Volunteers or members of the Mission.

ARTICLE VII

1. (i) In case JICA provides the Government of the Democratic Socialist Republic of Sri Lanka with equipment, machinery and materials, the Government of the Democratic Socialist Republic of Sri Lanka shall bare taxes including customs duties and fiscal charges of such equipment, machinery and materials, as well as exempt from the requirements of obtaining import license and certificates of foreign exchange coverage, and shall not impose consular fees in respect of the importation. The equipment, machinery and materials mentioned above shall become the property of the Government of the Democratic Socialist Republic of Sri Lanka upon being delivered c.i.f at the port of disembarkation to competent authorities of the Government of the Democratic Socialist Republic of Sri Lanka.
- (ii) In case JICA provides the Government of the Democratic Socialist Republic of Sri Lanka with equipment, machinery and materials, the Government of the Democratic Socialist Republic of Sri Lanka shall bare taxes including value added tax and fiscal charges on such equipment, machinery and materials in respect of the local purchase.
- (iii) The equipment, machinery and materials mentioned in sub-paragraphs (i) and (ii) shall be utilized for the purpose specified in the arrangements referred to in Article II unless otherwise agreed upon between the competent authorities of the two Governments.
- (iv) The expenses for the transportation within the Democratic Socialist Republic of Sri Lanka of the equipment, machinery and materials mentioned in sub-paragraph (i) and (ii) and the expenses for their replacement, maintenance and repair shall be borne by the Government of the Democratic Socialist Republic of Sri Lanka.
2. (i) The equipment, machinery and materials, prepared by JICA, necessary for the performance of the duties of the Experts, the Senior Volunteers and members of the Missions shall remain the property of JICA unless otherwise agreed upon between the competent authorities of the two Governments.
- (ii) The Government of the Democratic Socialist Republic of Sri Lanka shall exempt the Experts, the Senior Volunteers and members of the Missions from consular fees, taxes including customs duties and fiscal charges as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation of the equipment, machinery and materials mentioned in sub-paragraph (i).
- (iii) The Government of the Democratic Socialist Republic of Sri Lanka shall exempt the Experts, the Senior Volunteers and members of the Missions from taxes including value added tax and fiscal charges in respect of the local purchase of the equipment, machinery and materials mentioned in sub-paragraph (i).

ARTICLE VIII

The Government of the Democratic Socialist Republic of Sri Lanka shall maintain close contact, through organizations designated by it, with the Experts, the Senior Volunteers and members of the Missions.

ARTICLE IX

1. The Government of the Democratic Socialist Republic of Sri Lanka shall admit JICA to maintain an overseas office of JICA in the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the "Office") and shall accept a resident representative and his/her staff to be dispatched from Japan (hereinafter referred to as the "Representative" and the "Staff" respectively) who perform the duties to be assigned to them by JICA relative to the technical cooperation programmes under this Agreement in the Democratic Socialist Republic of Sri Lanka.
2. The Government of the Democratic Socialist Republic of Sri Lanka shall :

- (i) (a) exempt the Representative, the Staff and their families from taxes including income tax and fiscal charges imposed on or in connection with salaries and any allowances remitted to them from abroad ;
 - (b) exempt the Representatives, the Staff and their families from consular fees, taxes including customs duties and fiscal charges, as well as from the requirements of obtaining import license and certificates of foreign exchange coverage, in respect of the importation, within 6 months of their initial arrival, of ;
 - (i) Luggage ;
 - (ii) Personal effects, household effects and consumer goods ; and
 - (iii) One motor vehicle per Representative and per Staff assigned to stay in the Democratic Socialist Republic of Sri Lanka ;
 - (c) Exempt the Representative and the Staff who do not import any motor vehicle into the Democratic Socialist Republic of Sri Lanka from taxes including value added tax and fiscal charges in respect of the local purchase of one motor vehicle per Representative and per Staff, within 6 months of their initial arrival ;
 - (d) Exempt the Representative and the Staff from the registration fee of the motor vehicles mentioned in (b) (iii) and (c).
 - (e) Permit the Representative and the Staff, and their families to enter leave and sojourn in the Democratic Socialist Republic of Sri Lanka for the duration of their assignment therein, offer them the convenience for procedures of alien registration requirements, and exempt them from consular fees ;
 - (f) Issue identification cards and special passes to the Representative and the Staff to enter airport/seaport beyond passport control point to receive and send off the Experts, the Senior Volunteers and members of the Missions ;
 - (g) Offer the Representative and the Staff and their families the convenience for acquisition of car driving license ; and
 - (h) carry out the measures necessary for the performance of the duties of the Representative and the Staff.
 - (ii) (a) exempt the Office from the consular fees, taxes including customs duties and fiscal charges as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation of the equipment, machinery, motor vehicles and materials necessary for activities of the Office ;
 - (b) exempt the Office from taxes including value added tax and fiscal charges in respect of the local purchase of the equipment, machinery, motor vehicles, materials and services necessary for the function of the Office, and
 - (c) exempt the Office from taxes including income tax and fiscal charges imposed on or in connection with office expenses remitted from abroad.
3. The motor vehicle and durable household effects mentioned in paragraph 2 shall be subject to payment of taxes including customs duties if they are subsequently sold or transferred within the Democratic Socialist Republic of Sri Lanka to individuals or organizations not entitled to exemption from such taxes or similar privileges.
 4. The Government of the Democratic Socialist Republic of Sri Lanka shall accord the Representative, the Staff and their families as well as Officer such privileges, exemptions and benefits as are no less favourable than those accorded to representatives, staff and their families as well as offices of any third country or of any international organizations performing a similar mission in the Democratic Socialist Republic of Sri Lanka.