

**AGREEMENT**  
BETWEEN  
**THE GOVERNMENT OF THAILAND**  
AND  
**THE SOUTHEAST ASIAN MINISTERS OF  
EDUCATION ORGANIZATION**  
REGARDING  
**THE HEADQUARTERS OF THE SOUTHEAST  
ASIAN MINISTERS OF EDUCATION  
ORGANIZATION IN THAILAND**

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THE GOVERNMENT OF THAILAND  
(hereinafter called "the Government")

and

THE SOUTHEAST ASIAN MINISTERS OF  
EDUCATION ORGANIZATION  
(hereinafter called "the Organization")

In view of the desire of the Southeast Asian Ministers of Education Organization to establish its Headquarters (hereinafter called "SEAMES"), in Bangkok, Thailand, and in order to facilitate the effective discharge of its functions, the Government and the Organization have agreed as follows:

**Article 1**

The Government recognizes the juridical personality of the Organization and its capacity:

- a) to contract;
- b) to acquire and dispose of movable and immovable property;
- c) to be party to judicial proceedings.

## Article 2

1) The Government grants, free of charge, to the Organization and the Organization accepts, as from the date of entry into force and during the life of this Agreement, the use and occupancy of accommodation, initially in part of the premises of the Ministry of Education until such time as new premises shall be erected for the use of SEAMES, and the use of installations and office furniture and equipment therein contained as well as other facilities. Such premises, installations, equipment and furniture as well as other facilities shall be agreed upon in details between the Thai authorities concerned and the Organization.

2) With respect to SEAMES and the installations therein provided by the Government;

a) Except in case of faults attributable to the Organization, the Government shall be responsible for all charges of major repairs of a nonrecurring nature, in particular, the repair of damage resulting from fire, *force majeure*, structural defects or deterioration; for the replacement, where and if necessary, of such installations, and for the replacement within a reasonable period, of any building or part thereof in SEAMES which may be totally or partially destroyed;

b) The Organization shall be responsible for all minor repairs for the upkeep and maintenance of the part of the premises occupied by SEAMES.

## Article 3

1) The Government recognizes the inviolability of SEAMES. No officer or official of the Government, whether administrative, judicial, military or police, shall enter SEAMES to perform any official duties therein except with the consent of, and under conditions agreed to by the Director of SEAMES.

2) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquility of SEAMES is not disturbed by any person or group of persons attempting

unauthorized entry or creating disturbances in the immediate vicinity of SEAMES.

3) If so requested by SEAMES, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of laws and order in SEAMES and for the removal therefrom of offenders.

4) The Organization shall prevent SEAMES from being used as a refuge by persons who are avoiding arrest under any law of Thailand, or who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process or judicial proceedings,

#### Article 4

The archives of SEAMES, and in general, all documents belonging to it, shall be inviolable wherever located.

#### Article 5

The Government undertakes to ensure that the Organization will be supplied with the necessary public services and will enjoy for its official communications the same treatment as other resident international organizations.

#### Article 6

On a non-profit basis, the assets, income and other property of the Organization shall be exempt:

a) from any form of direct taxation. The Organization, however, will not claim exemption from taxes which are, in fact, no more than charges for public utility services.

b) from all customs duties and taxes other than those for services rendered, and from all prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organization for its official use, on the understanding that articles imported under such exemption if used for other purposes or subsequently sold or transferred

within Thailand to any other person not entitled to exemption shall be subject to customs duties and taxes prescribed by laws.

c) The Government shall grant allotments of gasoline and lubricating oils for vehicles required for the official use of SEAMES in quantities and at rates prevailing for diplomatic missions in Thailand.

### Article 7

The Organization may, without being subject to any financial control, regulations or moratoria:

a) receive and hold funds and foreign exchange of all kinds and operate accounts in all currencies.

b) freely transfer its funds and foreign exchange within Thailand and from Thailand to another country and vice versa.

The Organization shall, in exercising its rights under this article pay due regard to any representations made by the Government in so far as effect can be given to such representations without detriment to the interests of the Organization.

### Article 8

The Government will grant without charge visas which may be necessary for entry into Thailand to the following persons:

a) representatives of member States.

b) officials of SEAMES, their spouses and children dependent on them.

c) persons performing missions for SEAMES.

### Article 9

Representatives of member States participating in the work of the Organization, or in any conferences which may be convened by the Organization at the working site, shall

be entitled in the territory of Thailand while exercising their functions and during their journey to and from the working site, to the same privileges and immunities as are accorded to members of diplomatic missions of comparable ranks.

The privileges and immunities specified above shall not extend to persons of Thai nationality.

#### Article 10

1. The Director of SEAMES, or any official designated to act on behalf of the Director shall, during their stay in Thailand, enjoy the same privileges and immunities as members of diplomatic missions of comparable ranks.

2. The persons mentioned in paragraph 1 of this Article shall not, if they are of Thai nationality, claim immunity in the Thai courts in respect of judicial proceedings concerning matters extraneous to their official duties.

#### Article 11

The immunities provided for in Articles 9 and 10 are accorded in the interests of the Organization and not for the personal benefit of individuals themselves. Such immunities may be waived by the Government of the State concerned in respect of its representatives; by the Southeast Asian Ministers of Education Council in respect of the Director.

#### Article 12

1. International officials whose names are communicated to and approved by appropriate Thai authorities shall be:

a) immune from legal process in respect of all activities performed by them in carrying out their official functions (including words spoken or written);

b) exempt from all direct taxation on salaries and emoluments paid to them by the Organization;

c) exempt, together with their spouses and children dependent on them, from the immigration restrictions and alien registration;

d) granted, with regard to foreign exchange, the same facilities as are granted to resident members of diplomatic missions of comparable ranks;

e) accorded, together with their spouses and children dependent on them, the same repatriation facilities in time of international crisis as members of diplomatic missions accredited to Thailand;

f) exempt from customs duties on the following articles imported within six months after their first arrival to take up their post in Thailand or after the entry into force of this Agreement, whichever is later:

- i. personal effects
- ii. household effects
- iii. one motor vehicle for an official, subject to the same regulations concerning the importation, transfer and replacement of automobiles as are in force for the resident members of diplomatic missions of comparable ranks.

2. Other officials of SEAMES shall be accorded the privileges specified in paragraphs 1 (b), (c), and (f) i—ii.

### Article 13

Experts and consultants other than officials of SEAMES, who are performing missions for SEAMES, shall be accorded the privileges and immunities specified in Article 12 paragraph 1, except those in (f) ii—iii.

### Article 14

1) The names of the officials and persons mentioned in Articles 12 and 13 shall, from time to time, be communicated to the appropriate Thai authorities.

2) All officials of SEAMES shall be provided with a special identity card certifying the fact that they are officials of SEAMES enjoying the privileges and immunities specified in this Agreement.

#### Article 15

The Director of SEAMES shall agree to waive the immunity of any official or person referred to in Articles 12 and 13 in any case where such immunity would impede the course of justice and can be waived without prejudice to the interests of SEAMES.

#### Article 16

SEAMES and its officials shall co-operate at all times with the appropriate Thai authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges and immunities conferred by this Agreement.

#### Article 17

This Agreement shall enter into force on the thirtieth day after the exchange of the instrument of ratification by the Government and the instrument of approval by the Organization.\*

This Agreement and any supplemental agreement entered into by the Government and the Organization pursuant to this Agreement shall cease to be in force twelve months after either the Government or the Organization shall have given notice in writing to the other of its decision to terminate this Agreement.

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\* This Agreement was subsequently ratified by the joint session of Parliament on June 30, 1971.