United Nations Legislative Series

LEGISLATIVE TEXTS
AND TREATY PROVISIONS
CONCERNING
THE LEGAL STATUS, PRIVILEGES
AND IMMUNITIES
OF INTERNATIONAL ORGANIZATIONS

New York, 1959
INTRODUCTION

The General Assembly, on 5 December 1958, adopted resolution 1289 (XIII) in which it invited the International Law Commission to examine "the question of relations between States and inter-governmental international organizations."

In order to assist the International Law Commission in this work, the Secretariat proposed to prepare, for the use of the Commission, a collection of legislative texts and treaty provisions concerning the legal status, privileges and immunities of the United Nations, the Specialized Agencies and a number of other inter-governmental international organizations.

This collection, which is intended for publication in the United Nations Legislative Series, became too large to be reproduced in a single volume of that Series. It is proposed, therefore, to devote two volumes to the collection.

Included in the present volume are legislative texts and treaty provisions relating either to international organizations in general or to the United Nations in particular. A further volume will contain those documents which relate specifically to the Specialized Agencies and a number of other inter-governmental international organizations.

The legislative texts published in the present volume have been supplied by Governments in response to the request made by the Secretary-General on 11 May 1959.

The present volume contains only information supplied or collected by the end of December 1959, the date of going to press.

A number of provisions published in this volume do not have a direct bearing on the legal status, privileges and immunities of international organizations. Nevertheless, it has been deemed necessary to publish them in order to explain or clarify those provisions which are directly relevant in that connexion.

INTRODUCTION

L'Assemblée générale a, en date du 5 décembre 1958, adopté la résolution 1289 (XIII) par laquelle elle invitait la Commission du droit international à examiner « la question des relations entre les Etats et les organisations internationales intergouvernementales. »

Pour aider la Commission du droit international dans les travaux qu'elle doit entreprendre sur cette question, le Secrétariat a décidé de préparer et de mettre à la disposition de cette Commission un recueil de textes législatifs nationaux ainsi que les dispositions de traités qui ont trait au statut juridique, aux privilèges et aux immunités de l'Organisation des Nations Unies, des institutions spécialisées et de certaines autres organisations internationales intergouvernementales.

Ce recueil, qui est destiné à être publié dans la Série législative des Nations Unies, s'est révélé trop volumineux pour être reproduit dans un seul ouvrage. Aussi envisage-t-on de lui consacrer deux volumes. Dans le présent volume,
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on a inclus les textes législatifs nationaux ainsi que les dispositions de traités se rapportant soit aux organisations internationales en général, soit à l'Organisation des Nations Unies en particulier. Dans un prochain volume, on inclura les documents intéressant spécifiquement les institutions spécialisées ainsi que certaines autres organisations internationales intergouvernementales.

Les textes législatifs nationaux reproduits dans le présent volume ont été communiqués ou signalés par les Gouvernements à la suite de la demande que le Secrétaire général leur avait adressée en date du 11 mai 1959.

Le présent volume ne contient que les renseignements parvenus ou rassemblés avant la fin de décembre 1959, époque à laquelle il a été mis sous presse.

Certaines dispositions reproduites dans le présent volume ne portent pas directement sur le statut juridique, les privilèges et les immunités des organisations internationales. Il a cependant été jugé nécessaire de les y faire figurer pour expliquer ou éclaircir les dispositions qui en directement trait à ce sujet.
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FIRST PART
LEGISLATIVE TEXTS

PREMIÈRE PARTIE
TEXTES LÉGISLATIFS
Australia

(a) International Organizations (Privileges and Immunities) Act 1948, No. 72

Short title

1. This Act may be cited as the International Organizations (Privileges and Immunities) Act 1948.

Definition

2. In this Act, "the Convention" means the General Convention on the Privileges and Immunities of the United Nations which was adopted by the General Assembly of the United Nations on the thirteenth day of February, One thousand nine hundred and forty-six, and a copy of which is set out in the Schedule to this Act.

Accession to Convention

3. Approval is hereby given to the accession by Australia to the Convention.

Protection of name, etc., of United Nations

4. — (1.) Except with the consent in writing of the Minister, a person shall not assume or use in connexion with any trade, business, calling or profession the name, official seal or emblem of the United Nations or of any other prescribed international organization, or any seal or emblem so nearly resembling any such seal or emblem as to be likely to deceive.

   Penalty: Twenty pounds.

   (2.) A copy of each seal and emblem in relation to which the last preceding sub-section applies shall be published in the Gazette.

   (3.) Evidence of any seal or emblem in relation to which subsection (1.) of this section applies may be given by the production of the Gazette purporting to contain a copy of the seal or emblem.

Regulations

5. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act, and in particular —

   (a) For giving effect to the provisions of the Convention; and

   (b) For giving effect, in relation to any international organization, to the provisions of any convention on the privileges and immunities of that international organization to which Australia has acceded.
THE SCHEDULE

Convention on the Privileges and Immunities of the United Nations

(For the text of this Convention see Second Part of this Volume, p. 184)

(b) INTERNATIONAL ORGANIZATIONS (Privileges and Immunities) Regulations (Statutory Rules 1959 No. 20)

Citation

1. These Regulations may be cited as the International Organizations (Privileges and Immunities) Regulations.

United Nations to be a body corporate, etc.

2. — (1.) The United Nations —
   (a) Is a body corporate with perpetual succession;
   (b) Has the capacity to contract; and
   (c) Is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of instituting legal proceedings.

   (2.) All courts, judges and persons acting judicially in Australia shall take judicial notice of the seal of the United Nations affixed to a document and shall presume that it was duly affixed.

Privileges and immunities

3. — (1.) The United Nations or a person in relation to whom the Convention applies has, in Australia, the privileges and immunities applicable under the Convention to the United Nations or that person, as the case may be.

   (2.) Where any Act, other than the International Organizations (Privileges and Immunities) Act 1948, makes provision in relation to privileges and immunities of the United Nations or a person in relation to whom the Convention applies, the last preceding sub-regulation does not confer any privileges or immunities in relation to matters arising under that first-mentioned Act.

Evidence

4. A certificate under the hand of the Minister certifying that, on a specified date or during a specified period:
   (a) A specified country was a Member of the United Nations;
   (b) A specified body was a principal or subsidiary organ of the United Nations;
   (c) A specified conference was a conference convened by the United Nations; or
   (d) A specified person was —
      (i) A representative of a Member of the United Nations to an organ of the United Nations or a conference convened by the United Nations;
      (ii) Included in a category of officials of the United Nations to which the provisions of Articles V and VII of the Convention applied; or
      (iii) An expert (other than an official coming within the scope of Article V of the Convention) performing a mission for the United Nations, is evidence of the matter so certified.
(c) Comments of the Department of Customs and Excise, the Attorney-General’s Department and the Federal Taxation Office

1. Department of Customs and Excise

There has been no change in the application of the provisions incorporated in the Australian Customs Tariff by the introduction of Customs Tariff Proposals No. 1 dated 8th September, 1948 and Excise Tariff Proposals No. 1 dated 8th September, 1948.

... these provisions are as follows:

**Customs Tariff 1933-1959:**

<table>
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<tr>
<th>Item</th>
<th>Preferential Tariff</th>
<th>Most Favoured Nation</th>
<th>General Tariff</th>
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<tr>
<td>373:</td>
<td>Free</td>
<td>Free</td>
<td>Free</td>
</tr>
</tbody>
</table>

   - (C) Articles imported by or purchased in bond for the official use of the United Nations Organization or a Specialized Agency of the United Nations Organization.
   - (D) Articles imported by or purchased in bond for the personal or official use of the Secretary-General or an Assistant Secretary-General of the United Nations Organization or the Executive Head or an Assistant Executive Head of a Specialized Agency of the United Nations Organization or a member of the family of any person mentioned in this sub-item.
   - (E) Furniture and effects of an official of the United Nations Organization or a Specialized Agency of the United Nations Organization provided importation is made at the time such official first takes up post in Australia.

**Excise Tariff:**

<table>
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<tr>
<th>Item</th>
<th>Rate of Duty</th>
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<tr>
<td>10:</td>
<td>Free</td>
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</tbody>
</table>

   - (F) Articles which are owned (prior to clearance for home consumption) by and are for the official use of the United Nations Organization or a Specialized Agency of the United Nations Organization.
   - (G) Articles which are owned (prior to clearance for home consumption) by and are for the personal or official use of the Secretary-General or an Assistant Secretary-General of the United Nations Organization or the Executive Head or an Assistant Executive Head of a Specialized Agency of the United Nations Organization or a member of the family of any person mentioned in this sub-item.

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1 By his note of 17 September 1959, the Permanent Representative of Australia to the United Nations stated that "the request for up-to-date information on Australian laws and regulations on the subject [legal status, privileges and immunities of the United Nations, its Specialized Agencies and other intergovernmental organizations] was taken up with the Department of Customs and Excise, the Attorney-General’s Department and the Federal Taxation Office. The comments of these Government Departments are" reproduced below.
The International Finance Corporation being an organization within the United Nations Organization would be entitled to the provisions outlined in paragraph (3) above; this is in accordance with Rule 10(2) of Statutory Rules 1957, No. 72(a).

2. **Attorney General's Department**

... reference should be made to:

"(1) The International Organizations (Privileges and Immunities) Regulations (Statutory Rules 1959, No. 20), made under the International Organizations (Privileges and Immunities) Act 1948; and


3. **Federal Taxation Office**

**Income Tax and Social Services Contribution**: Paragraph (x) of section 23 of the *Income Tax and Social Services Contribution Assessment Act 1936-1958* has not been amended since its inclusion in the law in 1947. This provision exempts from income tax:

"(x) The income of any prescribed organization of which Australia and one or more countries are members."*

Income Tax regulation 4AB(1) now currently operative prescribes the organizations exempt from tax under section 23(x). Regulation 4AB(1) reads:

"4AB. — (1) For the purposes of paragraph (x) of section 23 of the Act, the following organizations are prescribed:

"(a) United Nations;

"(b) Food and Agriculture Organization of the United Nations;

"(c) Intergovernmental Committee for European Trade Organization;

"(d) Interim Commission for the International Trade Organization;

"(e) International Bank for Reconstruction and Development;

"(f) International Monetary Fund;

"(g) International Civil Aviation Organization;

"(h) International Labour Organisation;

"(i) International Telecommunication Union;

"(j) South Pacific Commission;

"(k) United Nations Educational, Scientific and Cultural Organization;

"(l) Universal Postal Union;

"(m) World Health Organization; and

"(n) World Meteorological Organization."

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1 See above (a) and (b).

2 To be reproduced in the next volume of the *U.N. Legislative Series* (ST/LEG/SER.B/11) relating to the specialized agencies and a number of other inter-governmental international organizations.
Section 6 of the *International Finance Corporation Act 1955* provides:

"6. — (1) The Governor-General may make regulations for carrying out or giving effect to the Agreement and, in particular, for carrying out or giving effect to Article VI. of the Agreement relating to status, immunities and privileges.

"(2) Regulations so made shall have effect notwithstanding that the regulations are inconsistent with an Act or with an instrument having effect by virtue of an Act."

Regulations 10 and 11 made under that provision, so far as relevant, read:

"10. — (1) The Corporation, its assets, property and income and its operations and transactions authorized by the Agreement are not subject to taxation under Australian law.

"(3) The Corporation is not liable to collect or pay a tax or a duty imposed by Australian law.

"11. The application of these Regulations is subject to the exercise, under section 11 of Article VI of the Agreement, by the Corporation of its discretion to waive any of the privileges and immunities confirmed by these Regulations."

**Pay-roll tax**

Australia has acceded to the Convention on the Privileges and Immunities of the United Nations which requires Australia to relieve the United Nations from liability for payment of pay-roll tax.

Paragraphs (f) and (g) of section 15 of the *Pay-roll Tax Assessment Act 1941-1957* exempt from pay-roll tax the wages paid:

"(f) By a specialized agency as defined by section one of the Convention of the Privileges and Immunities of the Specialized Agencies which was adopted by the General Assembly of the United Nations on the twenty-first day of November, One thousand nine hundred and forty-seven;

"(g) By the South Pacific Commission."

These provisions have not been amended since their inclusion in the law in 1953.

Regulation 10 of the regulations made under the *International Finance Corporation Act 1955*, referred to above, would free the International Finance Corporation from liability for payment of pay-roll tax.

**Sales Tax**

Item 74H in the first Schedule to *Sales Tax (Exemptions and Classifications) Act 1935-1957* exempts from sales tax:

"74H Goods for use (whether as goods or in some other form), and not for sale, by the United Nations, by a specialized agency as defined by section one of the Convention on the Privileges and Immunities of the Specialized Agencies which was adopted by the General Assembly of the United Nations on the twenty-first day of November, One thousand nine hundred and forty-seven, or by the South Pacific Commission."

This provision applies only to goods imported by the organizations specified and does not exempt goods which they may purchase in Australia. It has been the practice in the past, however, to waive the tax on important purchases in Australia by the United Nations and its specialized agencies.
Items 74HA and 74HB in the First Schedule to the Sales Tax (Exemptions and Classifications) Act 1935-1957 provide for exemption from sales tax in respect of certain goods imported by officials of the United Nations, its specialized agencies or the South Pacific Commission. These provisions, which have remained unchanged since their introduction into the law in 1952, provide as follows:

"74HA Goods imported by, and for the personal or official use of, the executive head, or the spouse of a dependent child of the executive head, of a specialized agency referred to in item 74H in this Schedule or of the South Pacific Commission;

"74HB Furniture and effects of an official, not being an Australian citizen, of the United Nations, of a specialized agency referred to in item 74H in this Schedule or of the South Pacific Commission, being goods imported at the time when the official first takes up duty in Australia."

These exemptions do not extend to purchases in Australia by the officials mentioned.

Regulation 10 of the Regulations made under the International Finance Corporation Act 1955 would free the International Finance Corporation from liability for payment of sales tax on goods which it imports into Australia. As regards goods purchased by the Corporation in Australia, however, the liability for payment of sales tax does not fall on the Corporation but on the manufacturer of the goods or the wholesaler through whom they are marketed. Regulation 10 would not free these persons from their liability nor would it free the Corporation from any obligation to pay the full price for the goods even though the vendor might recover in his price the sales tax paid in respect of the goods.

So far as is known, the International Finance Corporation has not yet had occasion to purchase taxable goods in Australia but should it, at any future time, make important purchases of goods for its official use, consideration would be given, on application by the Corporation, to waiving payment of the sales tax involved.

Austria

(a) Note of 15 July 1959 received from the Permanent Mission of Austria to the United Nations

The legal status of international organizations in the Republic of Austria appears to be basically determined by the Federal Act of 24 February 1954, as amended by the Federal Act of 13 February 1957, which gives the Austrian Federal Government power to issue Ordinances granting certain international organizations such privileges and immunities as are envisaged in the statutes of the organizations concerned or in other international conventions. (See article 1, paragraph (1), of the Act.)

The Austrian Federal Government has already made use of its power by issuing a formal Ordinance relating to certain international organizations. The Ordinance concerned is that of 18 January 1955, as amended by the Ordinance of December 1958, which relates to the following organizations:

1 Translation by the Secretariat of the United Nations.
International Labour Organisation;
Food and Agriculture Organization of the United Nations;
International Civil Aviation Organization;
United Nations Educational, Scientific and Cultural Organization;
International Monetary Fund;
International Bank for Reconstruction and Development;
World Health Organization;
Universal Postal Union;
International Telecommunication Union;
World Meteorological Organization.

The Federal Government also issued a similar Ordinance on 28 June 1955 relating to the Organization for European Economic Co-operation and the Customs Co-operation Council.

On the other hand, the above-mentioned Federal Act likewise applies to all other international organizations of which the Republic of Austria is a member, for it provides, subject to the conditions stated therein, that where the convention setting out the legal status of an international organization has been given legal sanction in Austria in the manner prescribed by the Federal Constitution of Austria, the privileges and immunities provided for in that convention shall be enjoyed by the said organization.

It would therefore appear that the issuing of a formal Ordinance by the Federal Government is not necessary in each individual case.

Thus, for example, the legal status of the United Nations in Austria is defined only by the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, which became part of Austrian law when it was acceded to by the Republic of Austria.

The only international organization which has a different legal status from the others is the International Atomic Energy Agency, whose relationship with the Republic of Austria is defined in the Agreement of 11 December 1957 between the Republic of Austria and the International Atomic Energy Agency (IAEA) regarding the Headquarters of IAEA.

This Agreement between the Republic of Austria and IAEA has been supplemented, inter alia, by an agreement of 29 December 1958 between the Federal Government of the Republic of Austria and IAEA on the social insurance of IAEA staff members.

The conclusion of this and other supplementary agreements was provided for in the above-mentioned Headquarters Agreement of 11 December 1957, which thus constitutes the legal basis for agreements of this type in so far as they affect Austrian domestic affairs.

(b) Federal Act of 24 February 1954, as amended by Federal Act of 13 February 1957, on the Granting of Privileges and Immunities to International Organizations

The National Council has resolved that:

Article 1

(1) The Federal Government shall be empowered to grant by Ordinance to the organizations and persons named in this Act some or all of the privi-

1 Translation by the Secretariat of the United Nations.
leges and immunities provided for in the statutes of the said organizations or in other international conventions.

(2) For the purposes of this Act the organizations and persons shall be:
   (i) International organizations of which the Republic of Austria is a member or whose activity is in the interest of the Republic of Austria;
   (ii) (a) Officials of the organizations referred to in sub-paragraph (i);
      (b) Representatives of the States members of such organizations.

(3) If the statutes of the organizations aforesaid also provide for the granting of privileges and immunities to experts on official mission, some or all of the privileges and immunities provided for the officials referred to in paragraph (2), sub-paragraph (ii) (a), may by an Ordinance of the Federal Government also be granted to such experts.

(4) Possession of Austrian nationality shall not be an obstacle to the granting of privileges and immunities under paragraphs (1) to (3).

(5) Ordinances made under this Act may be given retrospective effect from the date on which the Act comes into force.

Article 2

If in any legal proceedings a doubt arises whether a person falls within the categories of persons referred to in article I, paragraphs (2) and (3), the court shall seek a ruling on the matter from the Federal Ministry of Justice. Such ruling shall be binding on the court.

Article 3

(1) The Federal Act of 30 June 1948 (BGBI. No. 155) on the granting of privileges and immunities to international organizations, officials thereof and representatives of the States members of such organizations is hereby repealed.

(2) Any reference in a law or regulation to the Federal Act referred to in paragraph (1) shall be construed as a reference to the present Act.

Article 4

The Federal Government shall be responsible for the execution of this Act; provided that, with regard to article 2, such responsibility shall rest with the Federal Ministry of Justice.

Canada

(a) Privileges and Immunities (United Nations) Act,

Chap. 219, Revised Statutes of Canada 1952

An Act to Provide for Privileges and Immunities in Respect of the United Nations and Related International Organizations

Short title

1. This Act may be cited as the Privileges and Immunities (United Nations) Act. 1947, c. 69, s.l.

Accession to Convention by Governor in Council — Reservation re taxation — Orders

2. The Governor in Council may authorize the accession of Canada to the Convention on the Privileges and Immunities of the United Nations (in
this Act called the "Convention"), set out in the Schedule, with the reservation that exemption from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada, and may make such orders as appear to him to be necessary for that purpose and for the purpose of carrying out the obligations of Canada thereunder. 1947, c. 69, s.2.

"Organization"

3. (1) For the purposes of this section, the expression "organization" means any specialized agency of which Canada is a member and which is brought into relationship with the United Nations in accordance with Article 69 of the Charter of the United Nations.

Provisions by Order in Council

(2) Subject to subsection (3), the Governor in Council may by order provide that

(a) An organization shall have the legal capacities of a body corporate;
(b) An organization shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Articles II and III of the Convention for the United Nations;
(c) Representatives of states and governments that are members of an organization shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Article IV of the Convention for representatives of Members; and
(d) Such officials of an organization as may be designated by the Governor in Council shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations.

No tax exemption to Canadian citizen residing in Canada

(3) Nothing in any order made under subsection (2) shall exempt a Canadian citizen, residing or ordinarily resident in Canada, from liability for any taxes or duties imposed by any law in Canada. 1947, c. 69, s.3.

SCHEDULE

Convention on the Privileges and Immunities of the United Nations

Adopted by the General Assembly of the United Nations on 13 February 1946

(For the text of this Convention, see Second Part of this Volume, p. 184)

(b) Order-in-Council P.C. 3946 of October 1, 1947, concerning Canadian Accession to the Convention on Privileges and Immunities of the United Nations

Whereas the Privileges and Immunities (United Nations) Act, Chapter 69 of the Statutes of Canada, 1947, provides that the Governor in Council may authorize the accession of Canada to the Convention on the Privileges and Immunities of the United Nations with the reservation that exemption
from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada, and may make such orders as appear to him to be necessary for that purpose and for the purpose of carrying out the obligations of Canada thereunder;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, is pleased to authorize and doth hereby authorize the Secretary of State for External Affairs to execute, on behalf of Canada, an Instrument of Accession to the Convention on the Privileges and Immunities of the United Nations with the reservation that exemptions from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada.

His Excellency in Council, for the purpose of carrying out the obligations of Canada under the said Convention, is further pleased to make and doth hereby make the following Order:

ORDER

1. The United Nations shall have the legal capacities of a body corporate.

2. The United Nations shall in Canada have the immunities and privileges set out in sections two, three, four, five, seven and nine of the Convention on the Privileges and Immunities of the United Nations, hereinafter referred to as the “Convention”.

3. (1) Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations shall, while exercising their functions and during their journey to and from the place of meeting, have in Canada the privileges and immunities set out in section eleven of the Convention.

   (2) Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations shall continue to have the immunities set forth in paragraph (a) of section eleven of the Convention in respect of words spoken or written and all acts done by them in discharging their duties notwithstanding that they are no longer the representatives of Members.

   (3) Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in Canada for the discharge of their duties shall not be considered as periods of residence.

   (4) Subsections (1), (2) and (3) of this section do not apply to a representative of Canada or to a Canadian citizen.

   (5) For the purposes of this section the expression “representatives” includes delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

4. (1) Officials of the United Nations whose names are included in the categories specified by the Secretary-General pursuant to section seventeen of the Convention shall in Canada have the immunities and privileges set forth in section eighteen of the Convention.

   (2) The Secretary-General and all Assistant Secretaries-General, their spouses and minor children shall in Canada have the privileges and im-
munities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

5. Experts, other than officials of the United Nations within the meaning of section four of this Order performing missions for the United Nations shall in Canada have the privileges and immunities set forth in paragraphs (a), (b), (e), (d), (e) and (f) of section twenty-two of the Convention except in so far as any such privilege or immunity is waived by the Secretary-General pursuant to section twenty-three of the Convention.

6. Nothing in this Order shall be construed as exempting a Canadian citizen residing or ordinarily resident in Canada from taxation imposed by any law in Canada on salaries and emoluments.

(c) ORDER-IN-COUNCIL P.C. 1945 OF APRIL 4, 1952—
REVENUE EXEMPTIONS GRANTED TO THE UNITED NATIONS OR ITS AGENTS

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue concurred in by the Secretary of State for External Affairs and pursuant to the provisions of The Privileges and Immunities (United Nations) Act, is pleased to order as follows:

1. Order-in-Council P.C. 3766 of 25th August 1948 is hereby revoked, effective 2nd January 1952; and

2. Authority is hereby granted, effective 2nd January 1952, for the refund or remission of the excise stamp tax on official cheques and for free entry, refund or remission of the following customs duties and the consumption or sales tax imposed under the Customs Tariff and The Excise Tax Act on the goods listed hereunder, when imported into Canada or purchased therein either for sale, use or free distribution by the United Nations or its agents, subject to compliance with the following conditions and procedure:

<table>
<thead>
<tr>
<th>Revenue Exemption or Privilege</th>
<th>Conditions</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Exempt from the excise stamp tax on official cheques.</td>
<td>(a) When such cheques are drawn on official funds of the United Nations.</td>
<td>(i) Upon execution of the usual import and export entries as required.</td>
</tr>
<tr>
<td></td>
<td>(b) Cheques issued against personal accounts are subject to the excise stamp tax.</td>
<td>(ii) The following statement should be endorsed by the importer on customs entries where applicable: “Free under provisions of the Privileges and Immunities (United Nations) Act”.</td>
</tr>
<tr>
<td>2. Exempt from customs duties, including the consumption or sales tax, and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use.</td>
<td>(a) Articles which have been admitted free under these regulations and which have been in the use and possession of the importer in Canada for a period of at least one year may be sold or disposed of in Canada without payment of duty and taxes. Otherwise they shall be subject to the ordinary provisions of the Customs Tariff and the Excise Tax Act.</td>
<td></td>
</tr>
</tbody>
</table>

Revenue Order-in-Council P.C. 3766 of 25th August 1948 is hereby revoked, effective 2nd January 1952; and Authority is hereby granted, effective 2nd January 1952, for the refund or remission of the excise stamp tax on official cheques and for free entry, refund or remission of the following customs duties and the consumption or sales tax imposed under the Customs Tariff and The Excise Tax Act on the goods listed hereunder, when imported into Canada or purchased therein either for sale, use or free distribution by the United Nations or its agents, subject to compliance with the following conditions and procedure:
3. Exempt from any prohibition or restriction on import, export, use or sale of its publications, printed matter, films and sound recordings, and exempt from customs duties and excise taxes in respect thereof.

4. When goods are purchased under appropriate certification from manufacturers or wholesalers who are licensed under the Excise Tax Act, the United Nations should, under Article II, Section 8 of the Schedule to the Privileges and Immunities (United Nations) Act, be eligible to claim for the remission or refund of the excise tax and/or the consumption or sales tax on goods imported or purchased in Canada for the official use of the United Nations as a body.

5. The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags which shall have the same immunities and privileges as diplomatic couriers and bags.

(b) "Official use" means use to advance the objects of the United Nations and not enuring to the financial benefit of the importer or any other individual.

Publications, printed matter, films, and sound recordings may be imported, exported, used or sold without payment of customs duty, sales or excise taxes.

Provided, however, that any article which is exempted from these taxes, other than publications, printed matter, films or sound recordings shall be subject thereto at existing rates if sold or otherwise disposed of in Canada within a period of one year from the date of purchase, and the vendor shall be liable for such tax.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the United Nations and the Government of Canada.

(i) Upon execution of the usual import and export entries as required.

(ii) Import entries should bear the endorsement outlined in Section 2, where applicable.

(i) Such exemption is to be effected by remission or refund where the United Nations is making taxable purchases, for official use, of goods on which such taxes have been charged or are chargeable. A senior officer or authorized agent should, when ordering the goods, include a certificate over his signature to the effect that the account is to be paid with the funds of the United Nations and that exemption is properly allowable under provisions of The Privileges and Immunities (United Nations) Act.

When any despatch bag or package arrives in Canada addressed to the United Nations or to any of the senior officials of the United Nations which, from such examination as can be made made thereof without breaking the seal, shall appear to contain only official documents, it shall be forwarded without detention by the customs authorities direct to the official to whom addressed.
Colombia

(a) Decree No. 1025 of 8 April 1959 regulating the imports covered by Article 2 (f) of Act No. 1 of 1959.

The President of the Republic of Colombia,

By virtue of the powers vested in him and in particular those conferred on him under article 2 (f) of Act No. 1 of 1959,

hereby decrees that:

Article 1. The heads and members of the diplomatic missions accredited to the Government of Colombia may, for their own and their families' use and consumption, bring into the country objects and articles included in the list of goods the importation of which is forbidden, provided that they fulfil the following essential conditions:

(a) The merchandise covered by the application for importation shall not be refundable; i.e., its price must be met out of funds held abroad and at the disposal of the mission concerned.

(b) Merchandise imported under article 2 (f) of Act No. 1 of 1959 and under this Decree must be for the sole use and consumption of the heads and members of the diplomatic missions accredited to the Government of Colombia. A written statement to that effect by the head of the mission concerned shall be required for the purpose.

(c) The application for importation must be submitted by the head of the mission concerned to the Protocol Department of the Ministry of Foreign Affairs which shall forward it to the Office of the Superintendent of Imports and other relevant bodies after attestation by the head of the mission that the merchandise concerned meets the conditions laid down in this article and is suitable for normal consumption.

Paragraph: Imports under this article shall be exempted from the prior issue of licences and advance deposits and from customs duties.

Article 2. The heads of technical assistance missions and the representatives of international organizations having the status of diplomatic missions shall enjoy the prerogatives set forth in article 1 above, except as regards alcoholic beverages.

Article 3. Provided that the conditions set forth in article 1 are fulfilled, each member of a diplomatic mission may import one automobile for his personal use every two years free of customs and other duties, except that the titular head of the mission may import two automobiles, provided good reason is shown.

Article 4. For the purposes of this Decree, the following persons shall be deemed to be members of missions:

(a) Salaried diplomatic staff, namely: nuncio, ambassador, minister plenipotentiary, minister-counsellor, chargé d'affaires en titre, chargé d'affaires ad interim, auditor, counsellor, secretary, military, naval and air attachés, and civil and special attachés;

1 Translation by the Secretariat of the United Nations.
(b) Consular staff, namely: consuls-general, consuls of the first and second class, and vice-consuls, provided they are in receipt of salary and are nationals of the country that appoints them.

Article 5. The heads of diplomatic and technical missions and the representatives of international organizations may bring into the country, for official use, an automobile belonging to the Government or body concerned but may not sell it free of duty and tax except after a period of four years from the date on which the vehicle was registered and upon authorization by the Ministry of Foreign Affairs. If for any reason the Ministry is obliged to authorize the sale before the end of the period concerned, the relevant taxes must be paid.

Article 6. Diplomatic agents may, without paying taxes, sell the automobile which they have imported and which is registered in their name with the Ministry of Foreign Affairs, provided they give proof that they have maintained it in normal use in the country for two years; they may sell it earlier if their mission in Colombia comes to an end, provided that the vehicle has been used by its owner for a period of not less than six months from the date of registration in his name with the Protocol Department of the Ministry of Foreign Affairs. If the period is shorter, the automobile may not remain in the country unless the Ministry of Foreign Affairs authorizes its sale after payment of the taxes from which it was exempted.

Article 7. Vehicles imported free of customs duty may not be transferred without the permission of the Ministry of Foreign Affairs, and the Colombian Traffic Authorities shall not legalize the transfer in the absence of such written authorization.

Article 8. To carry out such imports, diplomatic agents shall make an application on special forms supplied by the Ministry of Foreign Affairs; the application shall be signed by the head of the mission and shall bear his seal.

Article 9. The transfer of vehicles as between accredited members of the diplomatic corps shall be exempted from the requirements set forth in article 6 above, but the automobile shall be regarded as being imported at the time of the transaction by the agent who acquires it.

Article 10. The non-Colombian staff members of international and technical assistance organizations may import an automobile for their own personal use on one occasion only, provided that the provisions of article 1 of this Decree are fulfilled; the sale of any such vehicle to a third party, however, may be authorized only on completion of their mission in Colombia and after the payment of the relevant duties, unless expressly stipulated otherwise in special agreements.

Paragraph: The Ministry of Foreign Affairs shall in each case determine which international agencies and organizations may enjoy this privilege.

Article 11. The heads of consular offices who meet the requirements set forth in article 4 (b) above may import an automobile for their personal use free of customs duty on one occasion only; the automobile may not, however, be sold before two years from the date of its entry into the country and only after payment of the relevant duties. The Ministry of Foreign Affairs shall grant the importation permit at the request of the head of the diplomatic mission concerned on a basis of strict reciprocity. For the settlement and payment of taxes in the event of sale, the Central Customs Administration
shall state which government department outside Bogotá is competent to carry out the procedure set forth in the succeeding article.

Article 12. For the settlement and payment of taxes in the event of sale without the exemptions stipulated in this Decree, the Bogotá Internal Customs Office shall appraise the vehicle at the request of the Ministry of Foreign Affairs. The Traffic Authorities shall not register such automobiles in the name of third parties without proof being produced that the duties have been paid. The same procedure shall apply whenever the principle of international reciprocity has to be invoked because the country to which the owner of the vehicle belongs fails to grant the same facilities to Colombian diplomats.

Article 13. Exemption from customs duty on motor vehicles shall be granted provided that the bill of lading for the vehicle is from the country of origin, and in the name of the person enjoying the privilege.

Article 14. The regulations set forth in Decree No. 3135 of 1956 shall continue to apply to the imports referred to in this Decree in so far as the said regulations are not incompatible with the provisions of this Decree and of Act. No. 1 of 1959.

Article 15. This Decree shall enter into force on the date on which it is issued and supersedes all provisions contrary to it.

(b) Decree No. 1182 of 24 April 1959

The President of the Republic of Colombia,

By virtue of the powers vested in him and in particular those conferred on him under article 1 of Act No. 1 of 1959, and

Considering,

That in accordance with the powers for which article 1 of Act No. 1 of 1959 makes provision, the Government must circulate a list of goods the importation of which is forbidden;

That the National Economic Council and the Office of the Superintendent of Imports stated that they were in favour of prohibiting the importation of touring and sports automobiles, as is clear from records Nos. 61 and 16 of 1959 respectively;

That since the entry into force of Act No. 1 of 1959 various interpretations have been made of the provisions regarding the importation of motor vehicles and that the matter must be clarified before the comprehensive list to which the said Act refers is circulated;

Hereby Decrees that:

Article 6. The separate paragraph of article 1 of Decree 1025 of 8 April 1959 shall be amended to read as follows:

“Paragraph. Imports under this article shall be exempted from advance deposits and from customs duties.”

Article 7. This Decree shall enter into force on the date on which it is issued.

Translation by the Secretariat of the United Nations.
Cuba

NOTE OF 10 AUGUST 1959 RECEIVED FROM THE MINISTRY OF FOREIGN AFFAIRS OF CUBA

The Ministry of State has the honour to inform the Secretariat, by way of reply to the point in question, that the Government of Cuba has been applying Article 105 of the Charter of the United Nations; article 5 of the Basic Agreement Concerning Technical Assistance concluded on 19 June 1952 between the United Nations, the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization and the Government of Cuba; and article 47 of Legislative Decree No. 347 of 17 July 1934 in order to reach a favourable solution on the various cases which have come up with regard to the right of representatives of the States Members of the United Nations and of officials of the United Nations to enjoy specific privileges.

The Ministry of State wishes to add that the Convention on the Privileges and Immunities of the United Nations, signed by Cuba, has now been submitted to the Council of Ministers for ratification.

For the further information of the Secretariat, the text of article 47 of the above-mentioned Legislative Decree concerning diplomatic fiscal exemptions and immunities is given below:

"Article 47. Cases not provided for in this Legislative Decree shall be settled equitably by the Secretariat of State (now the Ministry of State) in conformity with diplomatic and consular usage and practice, taking into account, when it is fitting to do so, the interests of the Republic and, as far as possible, the principle of international reciprocity."

Denmark

(a) ROYAL ORDINANCE OF 18 JANUARY 1951 CONCERNING EXEMPTION OF INTERNATIONAL ORGANIZATIONS ETC. FROM TAXATION

We, Frederick the Ninth, by the Grace of God, King of Denmark etc.,

Hereby proclaim:

In pursuance of Act No. 43 of 20 February 1948 concerning the privileges and immunities of international organizations etc., the following regulations are hereby promulgated and shall be put into effect in all cases in which these organizations etc. now enjoy or may hereafter be granted exemption from taxation as provided herein by virtue of any international agreement to which Denmark is a party.

Article 1

1. The United Nations, the International Court of Justice and the specialized agencies connected with the United Nations shall be exempt

1 Translation by the Secretariat of the United Nations.
from income and capital tax and, if they own immovable property in Den-
mark, from any property or land taxes due to the State, the joint communal
equalization fund or a commune, and from land appreciation tax.

2. The said organizations shall likewise be exempt from stamp or
registration tax on any document drawn up in connexion with the acquisition
of immovable property, or on any agreement to lease such property, for
their own use.

Article 2

Periods during which representatives of other States Members of the said
organizations are present in Denmark at principal or subsidiary organs of
the United Nations situated in Denmark or at conferences convened by the
United Nations or any of the specialized agencies connected with the
United Nations, or during which agents, advisers or attorneys representing
the International Court of Justice are present in Denmark for the discharge
of their duties, shall not be taken into account in determining whether they
have been resident in Denmark for a period rendering them liable to
taxation therein.

Article 3

Where it is provided by any of the said organizations that one or more
categories of its officials are to be exempt from taxation on salaries and
emoluments paid to them by the organization, such tax exemption shall be
applied in accordance with the following rules:

A. (a) Where a person subject without restriction to taxation in Denmark
enters the service of the organization, either in Denmark or abroad, any
emoluments ceasing by reason thereof shall, if included in his income
assessment for the current fiscal year, be deducted therefrom as from the
first day of the month next after he enters the service of the organization.
In subsequent fiscal years he shall be liable, if he retains his domicile in
Denmark, to taxation in respect of all income in excess of his salary from the
organization, other than income ceasing by reason of his entry into its
service. If he ceases to be domiciled in Denmark his liability to taxation
shall cease in conformity with the general rules of revenue law.

(b) A person who, by reason of his employment in or engagement by the organization,
removes to Denmark from abroad shall be liable to taxation in conformity
with the general rules of revenue law; but his assessment to tax shall be
based on his expected future annual income less his emoluments from the
organization. The same shall apply in subsequent assessments, as long as his
employment in the organization continues.

B. A person who leaves the service of the organization shall, as from the first
day of the month next following separation, or, if he removes to Denmark
from abroad, as from the date on which he becomes liable to taxation under
the general rules of revenue law, be liable to income tax, in respect of his
income in the previous fiscal year, less his emoluments from the organization
but plus any earnings which may be expected to replace them in the future.
The same shall apply, as necessary, to his assessment for the next tax year.

A person who has been domiciled in Denmark solely by reason of his
employment in the organization and ceases owing to transfer or separation
to be so domiciled shall cease to be liable to taxation by reason of domicile
as from the first day of the month next following his removal.
Article 4

1. Senior administrative staff of the United Nations and the specialized agencies connected with the United Nations and persons acting in their absence on their behalf, members of their households and judges of the International Court of Justice shall so long as they occupy those posts be exempt from taxation in conformity with the rules applicable to envoys of foreign States.

2. In other respects the rules laid down in Article 3 with reference to entry into or separation from the service of such organizations shall apply.

Article 5

Where in conformity with the foregoing rules an assessment is based on estimated future earnings, the taxation board shall on the expiry of the fiscal year adjust the assessment in accordance with the available information.

Article 6

The Minister of Finance shall make rules for giving effect to this Ordinance.

(b) Circular of 12 June 1951 relating to Royal Order No. 18 of 18 January 1951 on tax exemption for International Organizations, etc.¹

(Addressed to tax assessment authorities, communal authorities and district collectors' offices)

Enclosed are copies of the Royal Order of 18 January 1951 on tax exemption for international organizations, etc.

The Order lays down the rules to be applied where tax exemptions in favour of international or similar organizations under the United Nations are or may be granted under any international agreement to which Denmark is a party.


This Convention deals with the privileges and immunities of the United Nations and its subsidiary organs.

Denmark also, on 25 January 1950, acceded to the Convention on the Privileges and Immunities of the Specialized Agencies, which was approved by the United Nations General Assembly on 21 November 1947 (cf. Foreign Ministry Notice of 11 April 1950).

This accession applies to the following agencies: the International Labour Organization, the United Nations Food and Agriculture Organization, the International Civil Aviation Organization, the United Nations Educational, Scientific and Cultural Organization, the International Monetary Fund, the International Bank for Reconstruction and Development, the World Health Organization, the Universal Postal Union, the International Refugee Organization and the International Telecommunication Union.

By ratifying the Charter of the United Nations and the Accompanying Statute of the International Court of Justice (cf. Foreign Ministry Notice of 26 June 1945), Denmark further undertook to grant to the International

¹ Translation by the Secretariat of the United Nations.
Court of Justice certain tax concessions in accordance with Article 19 of the Statute and with a resolution adopted by the United Nations General Assembly on 11 December 1946.

The following remarks concern the content and application of the Order.

PART I

Organizations

Article 1 of the Order contains provisions on tax exemption for the organizations themselves, and lays down that the United Nations, the International Court of Justice and the specialized agencies shall be exempt from income and capital tax and, in respect to immovable property owned by them in Denmark, from property and land tax payable to the State, the joint communal equalization fund or a commune, and from land increment tax.

These organizations will not be included in the assessment to income and capital tax and will not be required to make tax returns.

Communal authorities and district collectors' offices are authorized to record immovable property in Denmark belonging to these organizations as exempt from property and land tax payable to the State and to the joint communal equalization fund, and from property increment tax, but such property will be appraised in the ordinary way after an ownership form has been completed. Such property will likewise be recorded as exempt from communal property and land tax, and in addition no roads upkeep tax may be levied upon it.

PART II

Representatives of Member States

Article 2 of the Order provides that the time during which representatives of other States Members of these organizations are resident in Denmark while employed by a principal or subsidiary organ of the United Nations situated here, or while attending conferences convened by the United Nations or by a specialized agency, and the time during which agents, advisers and advocates before the International Court of Justice are resident in Denmark while performing their duties, shall be disregarded in determining whether such persons have been resident in Denmark long enough to become liable to tax.

The provision of Article 2, first paragraph, of the Tax Assessment Act are thus varied, in that the tax-free period of residence therein provided for is extended by the period during which the person is resident in Denmark while performing his duties.

The expression "representatives" includes all representatives, alternates, advisers, technical experts and secretaries of delegations.

PART III

Officials referred to in Article 3 of the Order

Article 3 of the Order is intended to exempt officials employed by these organizations from tax on salaries and other remuneration received therefrom.
As provided in a resolution of the United Nations General Assembly, the expression "official" includes all members of the staff of the organizations, with the exception of those who are recruited locally and are assigned to hourly rates.

This expression therefore does not include experts sent out on special missions by the United Nations and similar organizations. Those experts are accordingly outside the scope of the tax exemption provisions of Article 3 of the Order. The attention of the tax assessment authorities must be drawn to this fact so that, if a doubt arises whether a person is really an official or has merely been sent out on a special mission, they may require the person, before they apply Article 3 of the Order, to produce evidence from the organization that he should be regarded as an official.

The provisions of Article 3 of the Order do not in general alter the provisions of the ordinary tax law governing the beginning and end of tax liability. There is just this one exception: that a person who has been resident in Denmark solely for the purpose of performing his duties with the organization and gives up such residence on transfer or separation from the organization will be exempt from unlimited tax liability in Denmark from the first day of the month following his removal (cf. Article 3 B, second part).

The Order does, on the other hand, modify the general basis for assessment of taxable income.

A

Tax procedure upon entry into the organization

When a person resident in Denmark is employed in Denmark or abroad by one of these organizations, a reassessment of his income as from the first day of the month following the start of such employment will be undertaken for the purpose of eliminating from his original assessment any income which, on account of his employment by the organization, he no longer receives.

Example: A person with unlimited tax liability in Denmark enters United Nations employment on 15 October.

His taxable income was originally composed as follows:

<table>
<thead>
<tr>
<th>Income</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash salary</td>
<td>12,000 k.k.</td>
</tr>
<tr>
<td>Taxable profit from sale of securities</td>
<td>5,000 k.k.</td>
</tr>
<tr>
<td>Income from interest</td>
<td>6,000 k.k.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>23,000 k.k.</td>
</tr>
<tr>
<td>Less taxes and insurance paid</td>
<td>8,500 k.k.</td>
</tr>
<tr>
<td><strong>Taxable income</strong></td>
<td>14,500 k.k.</td>
</tr>
</tbody>
</table>

On engagement by the organization he resigns his position, with the result that his income from wages ceases. An assessment effective as from 1 November is then made as follows:

<table>
<thead>
<tr>
<th>Income</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessed income</td>
<td>14,500 k.k.</td>
</tr>
<tr>
<td>Income from wages, deducted from assessment</td>
<td>12,000 k.k.</td>
</tr>
<tr>
<td><strong>Taxable income</strong></td>
<td>2,500 k.k.</td>
</tr>
</tbody>
</table>

On the basis of this assessment the tax for the entire current tax year is computed, and the total obtained is multiplied by five (the number of
months remaining in the tax year) and divided by twelve. In computing the
tax, the ordinary tax-free deductions corresponding to the reduced income
will be allowed.

If the taxpayer continues to be resident in Denmark, the assessment of
income for the succeeding tax year will follow the same procedure, and
United Nations earnings will, of course, continue to be disregarded.

If as a result of his employment with the organization the taxpayer gives
up his residence in Denmark, his tax liability ceases in the ordinary manner
at the end of the tax year in which he removes from the country.

Employment by one of these organizations does not affect a limited
liability to tax in Denmark — e.g., that arising from ownership of immovable
property.

When a person employed in one of these organizations, or in connexion with his
employment in it, removes to Denmark, his tax liability will begin in the ordinary
manner. As provided in Article 3 A (b) of the Order, however, his taxable
income for the tax period will be determined in accordance with an estimate
of his expected annual income less salary received from the organization
and any deductions (tax deductions etc.) to which he is ordinarily entitled.
Later assessments will follow the same procedure so long as he is employed
by the organization.

B

Tax procedure on separation from the organization

When a person ceases to be employed by one of these organizations he will,
as provided in Article 3 B, of the Order, be assessed to tax on his income for
the preceding income year, less remuneration received from the organization
but plus such income as will presumably take its place. If the taxpayer is
resident in Denmark, the new assessment will take effect on the first day of
the month following the termination of his employment. If he removes to
Denmark from abroad, his tax liability will begin in the ordinary manner.
The same procedure will be followed so far as necessary in the assessment
for the succeeding tax year.

Attention is drawn in this connexion to the special case, previously
referred to in the fourth paragraph of Part III, of a person who removes from
Denmark on the termination of his employment after residing in Denmark
solely for the purpose of carrying out his duties with the organization
(Article 3 B, second part).

If the period of a person's employment with the organization is so short
that his income for the preceding income year includes earnings disregarded
in the assessment made at the start of his employment with the organization,
these earnings shall likewise be disregarded in the reassessment made after
termination. In this case also the assessment will be based on his estimated
future earnings.

The following example will serve as an illustration:

A person permanently resident in Copenhagen who maintains a family
but is not entitled to a wife's or children's allowance is employed for several
years with the United Nations and is separated on 15 October 1950.

He is assessed, as provided in Article 3 A of the Order, for the tax year
1950-51 on the following income (for the calendar year 1949):
Income from interest .................................................. 6,000 kroner
Less taxes and insurance ............................................... 1,500 kroner
Taxable income .......................................................... 4,500 kroner

1. Reassessment for the current tax year (1950-51)

A new assessment effective from 1 November 1950 will be made, because from that date onwards the taxpayer will be liable for tax on the income replacing his salary from the organization. Assume that on 1 November 1950 the taxpayer obtained a position at a salary of 1,200 kroner a month, i.e., 14,400 kroner per annum.

The assessment will then be as follows:

Previously assessed income ........................................... 4,500 kroner
Plus expected annual income ......................................... 14,400 kroner
Total ................................................................. 18,900 kroner

A tax deduction corresponding to the expected income of 14,400 kroner will then be allowed.

This will be computed according to the tax rates in force for the tax year 1950-51, as follows:

On an assessed income of 18,900 kroner the following taxes will be levied:

State tax ................................................................. 3,379 kroner
Defence tax ............................................................... 380 kroner
Joint communal tax ..................................................... 555 kroner 14 öre
Commune tax ............................................................. 2,004 kroner
Church tax ................................................................. 70 kroner 14 öre
Total ................................................................. 6,388 kroner 28 öre

The portion attributable to the expected income will be:

\[
\frac{14,400 \times 6388.28}{18,900} = 4867 \text{ kroner 26 öre}
\]

The income will therefore be reassessed at ....................... 18,900 kroner
Minus tax deduction .................................................... 4,867 kroner
i.e., at ................................................................. 14,033 kroner

From this income is computed the tax for the entire tax year, and as five months (1 November 1950 to 31 March 1951) of the tax year remain, 5/12 of the sum so computed will be collected as tax.

This reassessment is provisional, and the district tax board will readjust the assessment at the end of the tax year in accordance with the information then available (cf. Article 5 of the Order). If, for example, the taxpayer's income from wages during the period 1 January-31 March 1951 was 1,400 kroner a month, the adjustment would take the following form:

Income from wages 1 November-31 December 1950 .... 2,400 kroner
Income from wages 1 January-31 March 1951 .... 4,200 kroner
Total ................................................................. 6,600 kroner

This represents an annual income of 6,600 kroner \( \times 12/5 = 15,840 \) kroner, which in the adjustment replaces the expected annual income of 14,400 kroner.
25 kroner used in the provisional assessment. This adjustment also entails a recalculation of the tax deduction computed on the basis of the provisional assessment.

2. Assessment for the succeeding tax year (1951-52)

During the calendar year 1950 the person referred to in section 1 was employed by the United Nations up to 15 October and received no income from wages before 1 November. From 1 November, i.e., for two months, he earned 2,400 kroner in wages. In the calendar year 1950 he had an income from interest of 5,800 kroner, paid taxes amounting to 2,000 kroner, and was entitled to a deduction on account of insurance of 400 kroner.

At the time of the assessment it appeared that on 1 January 1951 his earnings from wages rose from 1,200 kroner to 1,400 kroner a month.

The assessment thus takes the following form:

\[
\begin{array}{l}
\text{Income from interest in 1950} & \quad 5,800 \text{ kroner} \\
\text{Income from wages, 1 November-31 December 1950} & \quad 2,400 \text{ kroner} \\
\hline
\text{Deduction for taxes paid} & \quad 2,000 \text{ kroner} \\
\text{Deduction for insurance} & \quad 400 \text{ kroner} \\
\hline
\text{Balance} & \quad 5,800 \text{ kroner}
\end{array}
\]

His expected income is 1,400 kroner a month. Since in 1950 he received income from wages for two months and no income from wages for one-half of a month, account must be taken of the expected income for the remainder of a twelve-month period, i.e., for \(9\frac{1}{2}\) months. The expected income to be taken into account will accordingly be \(9\frac{1}{2} \times 1,400\) kroner, or \(13,300\) kroner.

\[
\begin{array}{l}
\text{Total} & \quad 19,100 \text{ kroner}
\end{array}
\]

As mentioned in section 1, a tax deduction from the expected income of 13,300 kroner is allowed. The tax will be computed according to the rates for the tax year 1951-52.

The tax deduction will be computed as follows:

On an assessed income of 19,100 kroner the following taxes will be levied:

\[
\begin{array}{l}
\text{State tax} & \quad 3,441 \text{ kroner} \\
\text{Supplementary income tax} & \quad 144 \text{ kroner} \\
\text{Defence tax} & \quad 780 \text{ kroner} \\
\text{Joint communal tax} & \quad 662 \text{ kroner} 90 \text{ öre} \\
\text{Commune tax} & \quad 2,112 \text{ kroner} 50 \text{ öre} \\
\text{Church tax} & \quad 73 \text{ kroner} 92 \text{ öre} \\
\hline
\text{Total} & \quad 7,214 \text{ kroner} 32 \text{ öre}
\end{array}
\]

The portion attributable to expected income is:

\[
\frac{13,300 \times 7,214.32}{19,100} = 5,023 \text{ kroner} 58 \text{ öre}
\]
Income for the tax year 1951-52 will thus be assessed at

\begin{align*}
\text{Less the computed tax deduction} & \quad 19,100 \text{ kroner} \\
\text{i.e.} & \quad 5,023 \text{ kroner} \\
\text{This assessment also may have to be adjusted at the end of the} & \quad 14,077 \text{ kroner}
\end{align*}

As regards this adjustment it must be remembered that the assessment for the tax year 1951-52 is based partly on actual income in the income year (income from wages 2,400 kroner for 1 November-31 December 1950) and partly on an expected income from wages for a period of 9\(\frac{1}{2}\) months. This latter income is the one that may have to be adjusted. The income used for any adjustment will be the income for the tax year 1951-52. Thus, instead of the expected income for 9\(\frac{1}{2}\) months, i.e., 13,300 kroner, on which the 1951-52 assessment is based, the income for the purposes of the adjustment will be 9\(\frac{1}{2}\) twelfths of the actual income received by the taxpayer during the tax year 1951-52, that is, from 1 April 1951 to 31 March 1952.

As in the adjustment described in the preceding section, the tax deduction must now be recalculated, because in the assessment for the tax year 1951-52 it was computed on the expected income.

The assessment for the full tax year following the taxpayer’s separation from the organization will not always be based, as in the example, partly on actual and partly on expected income. If the taxpayer, for example, did not leave the organization until the end of 1950, there would be no “actual” income (other than income from interest) in the income year, i.e., the calendar year 1950. The expected income from wages would then have to be assessed for a period of twelve months, and any adjustment which might be necessary at the end of the tax year 1951-52 would have to be based on the income from wages received by the taxpayer during the entire tax year 1951-52.

3. Assessment for the second successive tax year (1952-53)

The assessment for this tax year would be based in the ordinary way on the income for the particular income year, i.e., the calendar year 1951, less any taxes paid during the income year.

\textit{PART IV}

\textit{Executive heads, etc.}

Under Article 4 of the Order, the executive head of the United Nations or any of its specialized agencies, any person acting on his behalf during his absence from duty, members of his family and judges of the International Court of Justice will, while in office, be exempt from taxes (i.e., personal taxes) in accordance with the provisions in force with regard to diplomatic envoys of foreign states.

Thus, if a person \textit{permanently resident in Denmark} is appointed to one of these posts, the tax for which he is liable for the remainder of the tax year will be remitted from the first day of the month following his appointment. If he receives income of the kind referred to in Article 2, item 3, of the State Tax Act, a new assessment effective on the date on which the taxes are remitted will be made to determine his liability for tax on this income only.
As from the same date, a reassessment to commune tax may also have to be made as provided in Chapter IV of the Commune Tax Act.

When he leaves the organization he will be assessed, from the first day of the month following his separation, in accordance with the rules in Part III B dealing with persons leaving the organization (cf. Article 4, second paragraph, of the Order.)

If a person referred to in this Part becomes resident in Denmark while occupying one of these posts, he will be treated for tax purposes in exactly the same manner as a diplomatic envoy of a foreign State.

PART V

*Further provisions for applying the tax exemption provided for in Parts III and IV*

Any person who by reason of entering or leaving the service of one of these organizations wishes to have the provisions of the Order brought into effect must make an application for that purpose (cf. also the provisions of Part VI). The procedure for such application shall be the same as for an application for a tax reduction under Article 7, sixth paragraph, of the State Tax Act in the case of a widow’s first tax assessment after her husband's death, i.e., as provided in Article 23, last paragraph, of the State Tax Act (cf. Article 28, last paragraph).

The application, accompanied by documentary evidence that the taxpayer is or was employed by one of these organizations in a capacity entitling him to tax exemption, must be submitted to the communal tax assessment authority, which will obtain from the taxpayer the information necessary for making the assessment and forward the application with its own remarks to the district tax board. The board will announce its decision, and the assessment will then be made as provided in the Order and in this circular. The decision will contain particulars of the period to which the assessment applies.

A copy of the decision will be sent to the taxpayer and, in any case where a previous assessment must be corrected, to the communal tax assessment authority for its use in correcting the assessment to commune tax. In any such case the district tax board will at the same time make the necessary recalculation of income tax payable to the State and to the joint communal equalization fund, and will then issue the required tax remission orders to the communal authority and the proper tax collection authority.

An appeal against the district tax board’s decision may be made to the national tax court as provided in Act No. 108 of 31 March 1938.

If the assessment is to be based provisionally on estimated future income, as provided in Articles 3 and 4 of the Order, the district tax board will adjust it at the end of the tax year in accordance with the information then available (cf. Part III hereof). This modification of the assessment does not require the authorization of the State Tax Assessment Office.

If a person removes from Denmark as provided in Article 3 B, second part, of the Order (Part III, fourth paragraph of this circular), or if a person resident in Denmark is appointed to a post referred to in Article 4 (Part IV of the circular), such taxes payable by him to the State and to the joint communal equalization fund as are based on residence will be remitted, as from the first day of the month following such removal or appointment,
by a decision of the district tax board, which will notify the tax collection authorities in the ordinary way. Communal taxes will likewise be remitted by the proper communal authority.

Persons employed by one of these organizations will make tax returns in the ordinary manner, showing income received from the organization.

The organization is bound, if so requested, to provide the tax assessment authorities with particulars of salary and other remuneration paid, and of recipients' names and addresses.

PART VI

Entry into force, etc.

The provisions of the Order may, in accordance with international obligations assumed by Denmark, be brought into effect as from the 1945-46 tax year. There thus arises the question of amending income tax assessments made since the 1945-46 tax year and conflicting with the provisions of the Order.

If a taxpayer applies before 1 September 1951 for a review, in accordance with the provisions of the Order, of his tax assessments for those tax years, the district tax board may amend them without previous authorization from the State Tax Assessment Office.

Applications already in the hands of the tax authorities will now be dealt with as provided in the Order and in this circular.

Questions of doubt relating to the application of the Order or of this circular will be submitted to the Tax Department or, in matters concerning communal taxes only, to the Ministry of Home Affairs.

(c) Act No. 72 of 7 March 1952 concerning Privileges and Immunities of International Organizations, etc.¹

Article 1

The following organizations, agencies and persons may by international agreement be granted such special privileges and immunities as may be necessary for fulfilling their objects and for ensuring the independent performance of the functions connected therewith:

The United Nations, the International Court of Justice, the specialized agencies in relationship with the United Nations, the Organization for European Economic Co-operation, the Council of Europe, the North Atlantic Treaty Organization, and any other international organizations of which Denmark is or may subsequently with the consent of the Rigsdag become a member;

Members' representatives and delegations before the said organizations and agencies;

Officials and other persons representing these organizations or agencies; and

Experts working for these organizations or agencies.

Article 2

Specific provision for giving effect to such agreements shall be made by Royal Ordinance.

¹ Translation by the Secretariat of the United Nations.
Article 3

Act No. 43 of 20 February 1948 on the privileges and immunities of international organizations etc. is hereby repealed.

(d) Royal Ordinance of 19 December 1957 Concerning Exemption from Military Duties of Officials, etc. of International and Similar Organizations

We, Frederik the Ninth, by the grace of God King of Denmark, etc., hereby proclaim: Pursuant to article 2 of Act No. 72 of 7 March 1952 concerning privileges and immunities of international and similar organizations, the following regulations concerning exemption from and postponement of military duties in Denmark of officials, etc. connected with the main and subsidiary organs and the specialized agencies of the United Nations are hereby promulgated.

Article 1

In conformity with the Convention on the privileges and immunities of the United Nations and the Convention on the privileges and immunities of the specialized agencies of the United Nations, acceded to by Denmark on 10 June 1948 and 25 January 1950, respectively, the following persons who are nationals of Denmark shall be exempt from military duties, including the duty of performing civil defence and civilian labour service:

(a) Officials of the United Nations in certain categories specified by the Secretary-General;

(b) Experts dispatched on special missions on behalf of the United Nations, for the duration of such missions, including time spent on journeys in connexion therewith;

(c) Officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the Danish State.

Article 2

In conformity with the Agreement concluded on 29 June and 7 July 1955 between Denmark and the World Health Organization, officials of the World Health Organization who are nationals of Denmark and are not exempted from military duties under article 1 shall, on request, be allowed to have their call-up for military duties deferred.

Article 3

Exemption from military duties under article 1 shall apply to all obligations resulting from the said duties, including the obligation to apply for enrolment in the national service register, to appear before boards, etc.

Article 4

This order shall come into force forthwith. Order No. 406 of 7 October 1950 shall at the same time be repealed.

1 Translation by the Secretariat of the United Nations.
Article 135

1. Resident diplomatic agents of foreign States and paid consular officers (consuls-general, consuls and vice-consuls) sent to Denmark by foreign States shall, if not Danish nationals and if not engaged in Denmark in a private gainful activity, be exempt from customs and import duties on goods which they themselves import or which they purchase from an undertaking that has cleared the goods through customs. They shall be exempt from manufacturing and turnover taxes on goods which they themselves import or which are purchased from an undertaking registered with the Customs Service as a manufacturing, importing or wholesale undertaking under the excise-duty legislation in force. The Minister of Finance may nevertheless refuse to grant exemption from customs and other duties in cases where the foreign country concerned does not grant Danish diplomatic agents the corresponding right.

2. Exemption from customs and other duties as provided in paragraph 1 shall be conditional upon the diplomatic agent or consular officer having been registered with the Ministry of Foreign Affairs as being entitled to such exemption and shall also be conditional upon the submission, in respect of each individual import or purchase, of an itemized statement signed by the applicant, countersigned by the chief of the diplomatic or consular mission and stamped with the official stamp of the said mission.

3. To the extent that international agreements acceded to by Denmark so provide, exemption from customs and other duties may also be granted to:
   (a) International organizations and institutions of which Denmark is or may later become a member;
   (b) The persons delegated to such organizations and institutions as representatives or agents of the member States;
   (c) The officials and other persons acting on behalf of such organizations or institutions;
   (d) Experts performing missions for such organizations or institutions;
   (e) Military forces (and associated civilian personnel) of members of the North Atlantic Treaty Organization and the international military headquarters established under the North Atlantic Treaty.

4. The customs administration shall grant exemption from customs and other duties in respect of consulate equipment and supplies, including furnishings and vehicles intended for the official use of the consulates in Denmark of foreign Governments, on condition that the same treatment is accorded to Denmark in the country concerned.

5. Goods exempted from customs and other duties under this article shall be for the exclusive use of the institution or organization as aforesaid or for the exclusive use, in connexion with their official duties or the running of their households, of the persons (including members of their households) to whom the exemption is granted, and no such goods may be sold or used for any other commercial purpose.

\footnote{Translation by the Secretariat of the United Nations.}
6. The Minister of Finance may make regulations concerning the supervisory measures necessary to give effect to the provisions of this article, including such measures as the marking of goods with special revenue labels and so on.

Ecuador

Agreement of the Ministry of Finance No. 1364, 14 May 1956

Considering that this Office, with the agreement of the Ministry of Foreign Affairs, Department of Protocol, and on the basis of the appropriate studies, has resolved, in view of the existing high level of customs duty on imported articles, to raise the import quotas fixed annually for members of the diplomatic and consular missions accredited to our Government and has at the same time decided to grant this exemption to foreign members of the United Nations Technical Assistance Mission and members of Point Four missions serving in Ecuador and to honorary consuls who are not engaged in commercial or industrial activities; and, by virtue of the authority granted in article 4 of the Treasury Code, agrees to amend articles 1, 3 and 6 of Ministerial Agreement No. 1384 of 30 April 1954 as follows:

Article 1 should read: "Members of diplomatic and consular missions accredited to our Government and foreign members of the United Nations Technical Assistance Mission and of Point Four missions shall be entitled to an exemption in the following proportions from such consular duties, taxes and fees as affect imports: (a) Chiefs of Mission of the rank of Ambassador, Minister Plenipotentiary, Minister Resident, and Chargé d'Affaires, up to 70,000 sucres for the first year and 50,000 sucres for each succeeding year; (b) Counsellors, Military Attaches with rank of colonel or higher, First Secretaries, Minister Counsellors and the Resident Representative, Chief of the United Nations Mission in Ecuador, up to 50,000 sucres for the first year and 35,000 sucres for each succeeding year; (c) other members of diplomatic missions, including career consuls and foreign members in category two of the United Nations Technical Assistance Mission, up to 35,000 sucres for the first year and 25,000 sucres for each succeeding year; (d) foreign members in categories three and four of the United Nations Technical Assistance Mission, up to 15,000 and 10,000 sucres, respectively, for the first year, and 10,000 and 5,000 sucres, respectively, for each succeeding year."

Article 3 should read: "Honorary consuls who are not engaged in commercial or industrial activities shall, in accordance with articles 19 and 24 of the Regulations made under the Customs Act and subject to the approval of the Ministry of Foreign Affairs, be entitled to the same kind of exemption up to 15,000 sucres for the first year and 10,000 sucres for each succeeding year, on a basis of reciprocity with Ecuadorian diplomatic representatives as verified by the Ministry of Foreign Affairs."

Article 6 should read: "Chiefs of Mission and their diplomatic staff, the Nuncio, Ambassadors, Chargés d'Affaires with rank of Minister, Secretaries, Auditors, Counsellors, Cultural Attaches, Commercial Attaches, Military Attaches, foreign members in categories one, two and three of the United Nations Technical Assistance Mission and of Point Four missions serving in Ecuador shall be entitled to the same kind of exemption up to 70,000 sucres for the first year and 50,000 sucres for each succeeding year."

1 Translation by the Secretariat of the United Nations.
Nations Technical Assistance Mission and members of Point Four missions shall be entitled, as provided in article 20 of the Regulations made under the Customs Act, to import one automobile every two years, on condition that such automobile is intended for their personal use.  

**Finland**


By a decision of the Diet, taken by virtue of article 67 of the Riksdag Act, it is hereby provided as follows:

The provisions of the Convention on the privileges and immunities of the United Nations and of the Convention on the privileges and immunities of the specialized agencies of the United Nations shall, to the extent that they come within the jurisdiction of the law, come into force as has been agreed.

In addition, and notwithstanding any other legislative provision, such privileges and immunities as are specifically agreed upon shall be granted to the International Court of Justice and to such international organizations and agencies as are specified in an order, as well as to officials of the organs thereof, to persons carrying out missions on their behalf and to representatives of the member States.

Such regulations as are necessary for the enforcement and application of this Act shall be made in the form of an order.


Whereas the provisions of the Convention on the privileges and immunities of the United Nations and of the Convention on the privileges and immunities of the specialized agencies of the United Nations were approved by an Act that was adopted on 14 June 1958 and was consented to by the Provincial Diet of the Aland Islands (386/58), and whereas the instruments of accession to the said Conventions were deposited with the Secretary-General of the United Nations on 31 July 1958, it is hereby provided, on the proposal of the Minister of Foreign Affairs, that the said Conventions shall come into force as has been agreed.

Such regulations as are necessary shall be made by the relevant Ministry.

*(c)* Act of 14 June 1958 respecting the Protection of the Name and Emblem of the United Nations

By decision of the Diet, it is hereby provided as follows:

**Article 1**

It shall be unlawful to use the name, initials or emblem of the United Nations or any designation or design easily identifiable therewith for

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1 Translation by the Secretariat of the United Nations.
commercial purposes or in any other public manner that may give rise to confusion concerning the legitimacy of such use.

The provision laid down in the first paragraph shall not affect any use as aforesaid to which the person concerned is found by the Ministry of Foreign affairs to be entitled.

The form of the emblem is reproduced in an annex to this Act.

Article 2

Any person who keeps for sale goods which, without the requisite authorization, bear a designation or design as referred to in article 1, or who unlawfully uses such designation or design in his firm name or otherwise contravenes the provision of article 1, shall, unless a special penalty is otherwise provided for such contravention, be punished by a fine or by imprisonment for a term not exceeding six months.

Article 3

Such regulations as are necessary for the application of this Act shall be made by the Diet.

Article 4

This Act shall come into force on 1 July 1958; provided that any trade-mark containing a designation or design referred to in article 1 or any firm name containing such a designation may, if in use before the entry into force of this Act, continue to be used until 1 January 1959 notwithstanding the provisions of this Act.

Germany (Federal Republic of)

ACT CONCERNING THE PROTECTION AND FACILITATION OF THE WORK OF THE UNITED NATIONS COMMISSION IN GERMANY, DATED 4 APRIL 1952

In order to enable the United Nations Commission for the investigation of conditions for holding free elections in Germany to carry out its tasks and to assist it in the discharge of its functions, the Federal Parliament (Bundestag) has passed the following Act:

Article 1. Diplomatic Privileges and Immunities

The Commission, the secretariat attached to it, and the staff of the Commission and of the secretariat shall enjoy all the diplomatic privileges and immunities which are granted to the diplomatic missions accredited to the Federal Republic of Germany.

Article 2. Offences against the Members and the Secretary-General of the Commission

Section 1

(1) Any person who perpetrates an attack on the life or limb of a member or of the Secretary-General of the Commission while the party attacked sojourns in Germany in his official capacity shall be liable to penal

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servitude or, in less serious cases, to imprisonment, provided that a more severe punishment is not prescribed by other legislation.

(2) A fine may be imposed in addition to deprivation of liberty. The provisions of sections 85 and 86 of the Penal Code shall apply mutatis mutandis.

Section 2

(1) Any person who insults any one of the persons designated in section 1 in connexion with his official position shall be liable to imprisonment for a term not exceeding three years and, where the insult is defamatory, to imprisonment for not less than three months.

(2) Legal proceedings shall be instituted only at the request of the injured party. The request may be withdrawn.

(3) The provisions of section 200 of the Penal Code regarding publication of the sentence shall apply mutatis mutandis, where the offence has been committed publicly or at a meeting. The public prosecutor shall act on behalf of the injured party.

Article 3. Protection of Persons communicating with the Commission

(1) Neither legal action nor disciplinary measures may be taken against any person on account of an oral or written statement which he has made to the Commission or to one of its representatives, nor may he be otherwise held responsible; any such statement may not be used to his disadvantage in legal or disciplinary proceedings or in any other manner.

(2) No one may be compelled to divulge any oral or written statement which he has made to the Commission or to one of its representatives, or any information which he has communicated to, or received from, the Commission or one of its representatives, or in the communication of which he has taken part.

(3) The provisions of paragraphs 1 and 2 above shall apply mutatis mutandis to relatives of the persons designated in these paragraphs (Penal Code, section 52, paragraph 2).

Article 4. Entry into Force

(1) This Act shall enter into force as from 16 March 1952, except that Article 2 shall not enter into force until the day after the promulgation of the Act.

(2) This Act shall apply also in the Land Berlin within the framework of the criminal law in operation there, as soon as the Land Berlin, in accordance with Article 87, paragraph 2 of the Constitution of Berlin, decides to apply it. The constitutional rights of the Federal Council (Bundesrat) are guaranteed. The foregoing Act is herewith promulgated.

Bonn, 4 April 1952.
Short title

1. This Ordinance may be cited as the “Diplomatic Privileges Ordinance”.

Application

2. This Ordinance shall apply to any organization declared by the Governor in Council by Order to be an organization of which Her Majesty’s Government in the United Kingdom and the Government or Governments of one or more foreign sovereign Powers are members.

Privileges, immunities and capacities of certain international organizations and their staffs

3. (1) The Governor in Council may by Order:

(a) Provide that any organization to which this section applies (hereinafter referred to as “the organization”) shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part I of the Schedule to this Ordinance, and shall also have the legal capacities of a body corporate;

(b) Confer upon —

(i) Any persons who are representatives (whether of Governments or not) on any organ of the organization or are members of any Committee of the organization or of an organ thereof;

(ii) Such number of officers of the organization as may be specified in the Order, being the holders of such high offices in the organization as may be so specified; and

(iii) Such persons employed on missions on behalf of the organization as may be so specified; to such extent as may be specified in the Order, the immunities and privileges set out in Part II of the Schedule to this Ordinance;

(c) Confer upon such other classes of officers and servants of the organization as may be specified in the Order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Ordinance;

and Part IV of the Schedule to this Ordinance shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this sub-section and to the families of officers of the organization any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges:

Provided that the Order shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which, at the time of making of the Order, are required to be conferred

on that person in order to give effect to any international agreement in that behalf. (Substituted by 5 of 1951, s.3.)

(2) Where immunities and privileges are conferred on any persons by an Order made under subsection (1) the Governor in Council —

(a) Shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that sub-section and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that sub-section;

(b) Shall cause any list compiled under this subsection to be published in the Gazette;

(c) Whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

(3) Every list or notice published under subsection (2) shall state the date from which the list or amendment takes or took effect, and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list, or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Provisions as to Orders

4. Any Order made under the provisions of section 3 shall be laid upon the table of the Legislative Assembly at the next meeting thereof after the making of such Order, and if disapproved by a resolution of the Legislative Assembly at that meeting shall be revoked, but without prejudice to anything lawfully done thereunder or to the making of a new Order.

Reciprocal treatment

5. Nothing in the foregoing provisions of this Ordinance shall be construed as precluding the Governor in Council from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding privileges to British nationals or representatives.

SCHEDULE

(Amended by 5 of 1951, s. 4.)

PART I. — IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

4. Exemption from taxes on the importation of goods directly imported by the organization for its official use in the Gold Coast or for exportation,
or on the importation of any publications of the organization directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the Revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and in the case of any publications of the organization directly imported or exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside the Gold Coast), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II. — IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES, MEMBERS OF COMMITTEES, HIGH OFFICERS AND PERSONS ON MISSIONS

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

2. The like inviolability of residence as is accorded to such an envoy.

3. The like exemption or relief from taxes as is accorded to members of the permanent consular services of foreign countries.

PART III. — IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from income tax in respect of emoluments received as an officer or servant of the organization.

PART IV. — IMMUNITIES AND PRIVILEGES OF OFFICIAL STAFFS AND OF HIGH OFFICERS’ FAMILIES

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as a representative on any organ of the organization or a member of the Committee for the organization or of an organ thereof, his official staff accompanying him as such representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to Her Majesty is entitled to the immunities and privileges accorded to the envoy.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organization, that person’s wife or husband and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign Power accredited to Her Majesty are entitled to the immunities and privileges accorded to the envoy.
(b) DIPLOMATIC IMMUNITIES AND PRIVILEGES ORDERS

Orders No. 142 of 1948, 102 of 1949

SECTION 2. ORDER

Title

1. This Order may be cited as the Diplomatic Immunities and Privileges Order.

Declaration. Cap. 268

2. The organizations detailed in the Schedule hereto are hereby declared to be organizations of which Her Majesty's Government in the United Kingdom is a member and to which this Ordinance applies.

SCHEDULE

The United Nations;
The International Labour Organisation;
The Food and Agriculture Organization;
The International Civil Aviation Organization;
The World Health Organization;
The United Nations Educational, Scientific and Cultural Organization;
The International Refugee Organization;
The International Court of Justice.

Order No. 143 of 1948. L.N. 495 of 1954

SECTION 3. ORDERS

Title

1. This Order may be cited as the Diplomatic Immunities and Privileges Order (No. 2).

Order. Cap. 268

2. The organizations detailed in the Schedule hereto shall have the immunities and privileges (save as they may be waived in any particular case by either of the said organizations) set out in Part I of the Schedule to the Ordinance and shall have the legal capacities of bodies corporate.

3. Except in so far as in any particular case any particular immunity or privilege is waived by the Secretary-General or the Security Council of the United Nations or by the International Court of Justice or by the Government represented before the said Court, the persons detailed hereunder shall be accorded the immunities and privileges set out in the following Parts of the Schedule to the Ordinance.

High Officers

(a) Part II:

(i) of the United Nations representatives of member Governments, the Secretary-General and Assistant Secretaries-General (not exceeding at any time six in number):

1 Under Cap. 268 at page 870 et seq. of Vol. IX of Laws of Ghana.
(ii) of the Court aforesaid the Judges and Registrar (including an Acting Registrar).

Other Officers

(b) Part III:

(i) Persons employed on Missions on behalf of the United Nations and other officials not referred to in sub-paragraph 3 (a) (i) of this Order;

(ii) Counsel or other Advocates of parties before the Court aforesaid:
Provided that this sub-paragraph shall not apply to any person acting on behalf of the Government of the Gold Coast or to any British subject acting on behalf of any Government other than a Government of Her Majesty.

(c) Part IV:

The official staff accompanying a person accorded immunities and privileges under sub-paragraph 3 (a) of this Order as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, and his spouse and children under twenty-one:
Provided always that a list of such persons to be accorded immunities and privileges under this paragraph shall be supplied (and amended as necessary from time to time) to the Secretary to the Governor by the senior member of the organization concerned present in the Gold Coast.

SCHEDULE

United Nations;
International Court of Justice.

(c) Customs (Consolidation and Amendment) Order, 1958

Cap. 167

In exercise of the powers conferred upon the Governor-General by sections 10, 11, 42 and 43 of the Customs Ordinance the following Order is hereby made:

Title

1. This Order may be cited as the Customs (Consolidation and Amendment) Order, 1958.

Substitution of Schedules to Customs Ordinance

2. For the Schedules to the Customs Ordinance there are hereby substituted the following new Schedules:

Schedules

FIRST SCHEDULE

PART III. — EXEMPTION FROM IMPORT DUTIES OF CUSTOMS

Diplomatic Missions

7. All goods imported or withdrawn from bond:

(a) For the official use of any Commonwealth or Foreign Embassy, Mission or Consulate;
(b) On first arrival in Ghana the household and personal effects of the employee of any Commonwealth or Foreign Embassy, Mission or Consulate, if such employee is not engaged in any other business or profession in Ghana;

(c) For the use of a permanent member of the Diplomatic Service of any Commonwealth or Foreign Country, exempted by the Minister for External Affairs from the payment of customs duties;

Provided that in (a), (b) and (c) above a similar privilege is accorded by such Commonwealth or Foreign Country to the Ghana representative therein.

Technical Assistance Personnel

8. All goods imported or withdrawn from bond by personnel engaged by an International Agency or Technical Assistance scheme where the terms of the Agreement made with the Government of Ghana include exemption from customs duty.

Greece

(a) ACT No. 412/1947 concerning Ratification of the Convention on the Privileges and Immunities of the United Nations (Government Gazette No. 213 of 7 October 1947)


This Act shall enter into force upon its publication in the Government Gazette.

This Act, having been passed by the Fourth Revisionist Chamber of Deputies and having been approved by us this day, shall be published in the Government Gazette and applied as a law of the State.

(b) LEGISLATIVE DECREE No. 2402/1953 concerning Tax Exemption of the Head and the Alien Senior Personnel of the Branch Office for Greece of the United Nations High Commissioner for Refugees (Government Gazette No. 118 of 8 May 1953)

Sole Article. The tax exemptions granted under Order No. 1 of 1937 of the Minister of Finance, issued pursuant to Obligatory Law 317 of 1936, to the Heads and diplomatic personnel of foreign diplomatic missions accredited to Greece, shall be granted as appropriate, with effect from their arrival in Greece, to the Head of the Branch Office for Greece of the United Nations High Commissioner for Refugees and to the alien senior personnel of the said Branch Office, whose names shall in each case be communicated by the Head to the Ministry of Foreign Affairs.

Guatemala

LETTER OF 6 AUGUST 1959 RECEIVED FROM THE PERMANENT REPRESENTATIVE OF GUATEMALA TO THE UNITED NATIONS

... I have the honour to inform you that, in Guatemala, the legal status, privileges and immunities of the United Nations, its Specialized Agencies

1 Translation by the Secretariat of the United Nations.
and other inter-governmental international organizations are governed by
the following provisions:

I. INTERNATIONAL CONVENTIONS

(a) Convention on the Privileges and Immunities of the United Nations,
    adopted by the General Assembly of the United Nations on 13 February
    1946, approved by Legislative Decree No. 412 of 30 May 1947, ratified on
    16 June 1947 . . .

(b) Convention on the Privileges and Immunities of the Specialized
    Agencies, adopted by the General Assembly of the United Nations on 21
    November 1947, approved by Legislative Decree No. 809 of 22 May 1951,
    ratified on 6 June 1951 . . .

II. LAWS

(a) Legislative Decree No. 1166 of 9 May 1957, article 4 of which reads as
    follows:

    "ARTICLE 4. The provisions of this Act and the general exemption
    established by Government Decree No. 1780 shall apply to officials of
    international organizations."

(b) Decree 1780 of 20 January 1939, the relevant part of which reads as
    follows:

    "Article 103. The following shall be exempted from import duties,
    consular dues and other taxes:

    "(1) The household goods, baggage, travel equipment, vehicles and
    other effects for personal and family use brought with them on arrival in
    the country by Ambassadors, Ministers Plenipotentiary, Ministers Resi-
    dent, Chargés d’Affaires, Counsellors, Secretaries, Attachés and Chancel-
    lors, whether on permanent or extraordinary mission;

    "(2) Goods imported for the personal use of Chiefs of Mission,
    Counsellors, Secretaries, Attachés and Chancellors, or their families,
    provided the goods have been forwarded to them direct from the place
    of origin and provided also that the Chief of Mission concerned requests
    such exemption through the Ministry of Foreign Affairs;

    "(3) Coats of arms, flags, furniture and office equipment intended
    for the use of diplomatic missions accredited to the Government of the
    Republic of Guatemala;

    "(4) Baggage and articles for the personal use or the use of the
    families of delegates or representatives of foreign Governments not
    having diplomatic or consular status but arriving in Guatemala to carry
    out a special or extraordinary mission;

    "(5) Baggage and travel equipment for the personal use or the use
    of the families of high officials of foreign States arriving in Guatemala
    otherwise than in an official capacity.

    "Article 104. For the purposes of the foregoing article, the family or
    the persons specified therein shall include: the mother, if she is economi-
    cally dependent upon her son; the wife; minor children; and unmarried
    daughters who are of age but not economically independent.
Article 105. The exemption provided for in sub-paragraphs (4) and (5) of article 103 shall be granted subject to advance notice from the diplomatic representative concerned.

In the absence of a diplomatic representative, the consular representative may give such notice.

Article 106. The following shall be exempt from customs examination and inspection:

(1) Personal baggage and travel equipment carried or brought in by Chiefs of Mission, Counsellors, Secretaries, Attachés and Chancellors, or their families;

(2) The personal baggage and travel equipment which foreign diplomatic agents and their families have with them while in transit or on a visit to the country;

(3) Packages and parcels dispatched direct by foreign Governments to their representatives in Guatemala and containing official books or documents, provided they are covered by an official certificate from the competent Ministry of Foreign Affairs;

(4) Baggage and travel equipment for the personal use or the use of the families of the persons mentioned in sub-paragraphs (4) and (5) of article 103.

Article 107. The exemptions specified in the foregoing articles shall not apply to substances the traffic in which is restricted by international agreements.

Article 108. The following shall be exempt from export duties and taxes:

The household goods, baggage, travel equipment, vehicles and other effects belonging to the persons specified in the foregoing articles or their families, whether they are leaving definitely or temporarily.

Article 109. Foreign diplomatic agents are requested to note that, in accordance with Legislative Decree No. 1376 of 27 April 1925 and Government Decree No. 1569 of 1 September 1934, items and objects of archaeological, ethnographic and historical interest, works of ancient art, items and objects of anthropological and palaeontological interest, and original historical documents, civil or ecclesiastical, belong to the State, and that ancient books and printed matter of scientific, historic or literary interest not easily obtainable which it is important to retain in the public or private libraries of Guatemala as part of the national cultural heritage belong to the Nation.

Certain of the articles specified in Legislative Decree No. 1376 may be exported in accordance with the provisions of the said enactment.

Article 110. All the exemptions provided for in this chapter shall be conditional upon the most strict reciprocity.

Chapter XV

Facilities Granted to Consular Representatives

Article 111. The Consular Section shall forward to Consuls-General, Consuls, Vice-Consuls or Consular Agents along with the exequatur a consular identity card countersigned by the Director-General of Police.
“Article 112. Consuls-General, Consuls, Vice-Consuls and Consular Agents shall furnish the Ministry of Foreign Affairs with biographical details and a specimen signature with their seal of office on forms provided for the purpose by the Consular Section.

“Article 113. Consuls-General may request, through the Consular Section of the Ministry of Foreign Affairs, a special number plate for their cars.

“Article 114. The following shall be exempt from import duties, consular duties and other taxes:

“(1) Used household goods, baggage, and travel equipment for personal or family use brought into the country on arrival by career Consuls-General, Consuls, Vice-Consuls and Consular Agents who are nationals of the State accrediting them and who devote their time solely and exclusively to their official duties;

“(2) Baggage and travel equipment for personal use brought into the country by the persons specified in the previous article on returning from a journey abroad;

“(3) Furniture and office equipment, coats of arms and flags sent direct by a foreign Government to its main Consular Office in the country.

“Article 115. The household goods, baggage and travel equipment for the personal use of the persons specified in the previous article shall not be liable to export duties or taxes.

“Article 116. The following shall be exempt from customs examination and inspection: baggage and travel equipment for personal or family use carried with them on entering or leaving the country by career Consuls-General, Consuls, Vice-Consuls and Consular Agents who are nationals of the country accrediting them and who devote or have devoted their time solely and exclusively to their official duties.

“Article 117. In order to obtain exemption from customs examination and inspection as provided in the foregoing article, the interested party shall be required to submit to the Ministry of Foreign Affairs a statement on oath that he is not taking out of the country any of the objects specified in article 109 of these Ceremonial Regulations.

“Article 118. For the purposes of this chapter, the family of the officials specified therein shall include: the mother, if she is economically dependent on her son; the wife; minor children; and unmarried daughters who are of age but not economically independent.

“Article 119. The above exemptions shall be conditional upon the most strict reciprocity.”

(c) Congressional Decree No. 616 of 3 May 1949 which refers to the purchase of immovable property by diplomatic missions, article 1 of which reads as follows:

“Article 1. Foreign States and other entities having internationally recognized legal status may, with the authorization of the Ministry of Foreign Affairs, acquire urban immovable property in Guatemala for the exclusive purpose of using the same as the official premises of their permanent diplomatic missions accredited to the Government of the Republic and may similarly acquire a residence for the chiefs of such missions.”
I also have the honour to inform you that my Government is considering the desirability of making regulations to give effect to the above-mentioned Congressional Decree No. 1166 and of taking such further measures as will supplement the two conventions on the privileges and immunities of the United Nations and of the specialized agencies.

**Hongrie**

(a) **Loi N° XVIII de 1937 concernant les règles de procédure portant sur l’extraterritorialité et l’immunité personnelle**

*Article 1.* — Les tribunaux et toutes les autres autorités suspendront d’office la procédure, dans toutes ses phases, voire même en cours d’exécution, et présenteront un rapport aux autorités de surveillance suprême, si l’une des parties en cause est un État étranger ou une personne bénéficiant, en vertu du droit international (accord, pratique ou réciprocité), de l’extraterritorialité ou de l’immunité personnelle ; la même règle sera appliquée si l’une des parties en cause invoque un tel privilège ou une telle immunité, et qu’il n’apparaît pas de toute évidence qu’elle ne puisse s’en prévaloir.

Les tribunaux et les autres autorités suspendront la procédure aussi dans le cas où leurs autorités de surveillance formulent une invitation y relative.

*Article 2.* — Avant de prendre une mesure ou une résolution à l’égard d’une personne jouissant de l’extraterritorialité ou de l’immunité personnelle visées à l’article 1, les tribunaux et les autres autorités présenteront un rapport à leurs autorités de surveillance, même si la personne susmentionnée n’est pas intéressée dans la procédure en tant que partie en cause, mais y participe dans une autre qualité.

*Article 3.* — Le ministre exerçant la surveillance suprême statuera, de concert avec le Ministre des affaires étrangères, sur l’existence des privilèges et immunités mentionnés aux articles 1 et 2, ainsi que sur l’étendue personnelle et objective de ces derniers.

Cette décision sera obligatoire pour les tribunaux et pour toutes les autres autorités saisies.

*Article 4.* — Dans le cas où l’étendue personnelle et objective de l’immunité revenant aux agents consulaires des États étrangers est déterminée par un accord international ou par une autre loi écrite, les tribunaux ou les autorités saisies ne s’adresseront à l’autorité de surveillance suprême que lorsqu’il y a doute. Dans ce cas, les dispositions de l’article 3 devront être observées.

*Article 5.* — Les bâtiments avec toutes leurs aïsances et dépendances en propriété d’un État étranger, utilisés à servir aux buts de la représentation diplomatique de cet État ou bien à servir d’habitation du personnel de cette mission diplomatique, sont, en cas de réciprocité, exempts de toute saisie.

Dans tous les cas où la saisie immobilière est demandée sur un bâtiment en propriété d’un État étranger, les tribunaux et les autres autorités présenteront un rapport à l’autorité de surveillance suprême, en vue d’établir l’existence et l’étendue de l’immunité ainsi que de vérifier la réciprocité;

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1 Le texte français des lois et règlements reproduits dans la présente section a été fourni par le Ministre des affaires étrangères de la République populaire hongroise.

l'autorité de surveillance suprême statuera de concert avec le Ministre des affaires étrangères. Cette décision sera obligatoire pour les tribunaux et pour toutes les autres autorités saisies.

S'il n'apparait pas de toute évidence que l'exemption mentionnée au premier alinéa du présent article couvre le bâtiment en question, la saisie ne pourra être ordonnée et pratiquée qu'à titre provisoire; jusqu'à la date de la décision de l'autorité suprême mentionnée à l'alinéa 2 du présent article la saisie immobilière ne pourra être pratiquée que pour couvrir la garantie de la créance en question. Si l'exemption est reconnue, les mesures de saisie doivent être abrogées.

Les dispositions précédentes n'affectent pas les autres immunités qui sont dues en général aux bâtiments en question selon le droit international.

**Article 6.** — Dans l'application de la présente loi le terme « autorité de surveillance suprême » signifie, pour ce qui concerne les affaires faisant partie de la compétence d'une autorité administrative, le ministre du ressort duquel relève l'affaire en cause, dans laquelle a été soulevée la question de l'exterritorialité ou de l'immunité personnelle.

**Article 7.** — L'article 31 de la loi XXXIII de 1896 concernant le Code d'instruction criminelle et l'article 9 de la loi I de 1911 concernant le Code de procédure civile sont abrogés. Sont également abrogées les dispositions de toute autre législation contraires à la présente loi.

... 

b) **Loi III de 1951 portant sur l'instruction criminelle,**
modifiée et rédigée comme texte unique par la loi V de 1954

**Article 249.** — Cette loi n'affecte en rien l'exterritorialité et l'immunité personnelle, ni les règles spéciales de procédure portant sur l'exterritorialité et l'immunité personnelle.

**c) Loi III de 1952 portant sur la procédure civile,**
modifiée et rédigée comme texte unique par la loi VI de 1954

**Article 325.** — Cette loi n'affecte en rien l'exterritorialité et l'immunité personnelle, ni les règles spéciales de procédure portant sur l'exterritorialité et l'immunité personnelle.

d) **Décret n° 32/1955. M.T. du 8 juin 1955**
portant sur la poursuite des infractions

**Article 21.** — L'autorité compétente pour infliger les amendes est tenue de transmettre l'affaire sans délai à son autorité suprême de surveillance, s'il existe des données qui indiquent que l'infraction a été commise par une personne jouissant de l'exterritorialité ou de l'immunité personnelle.

e) **Décret n° 6470-52/1950. P.M. du 31 décembre 1950**
portant sur les taxes fiscales

Selon la subdivision a, alinéa 1, article 32 de ce décret, une exemption personnelle des taxes des actes est accordée — en cas de réciprocité — aux représentants diplomatiques des États étrangers accrédités en Hongrie, aux membres des représentations diplomatiques fonctionnant en Hongrie, ainsi
qu’aux employés desdite représentations et aux membres des familles des personnes énumérées, vivant dans le ménage commun, s’ils ont la nationalité de l’État du représentant diplomatique en question, et aussi à toutes les personnes qui ont droit à l’exemption en vertu des principes du droit des gens ou des accords internationaux. L’exemption se rapporte aux actes dressés par les personnes énumérées ci-dessus ou par leurs agents, dans la mesure où l’acte porte sur des engagements qui devront être exécutés hors du territoire du pays.


Selon le paragraphe 2 de l’article 2 de ce décret, il est interdit d’engager ou de continuer des poursuites pour infraction contre une personne jouissant de l’exterritorialité ou de l’immunité personnelle. Dans le cas d’infractions commises par de telles personnes un rapport détaillé devra être présenté sans délai au Ministre des finances ou au Ministre du commerce extérieur.


1. Le franchissement de la frontière. Routes douanières

Article 8, paragraphe 7 du décret. — En passant la frontière de la Hongrie les chefs d’État étrangers ainsi que les membres des corps étrangers exerçant les droits de chef d’État ne doivent pas se rendre au bureau de douane pour se soumettre au contrôle douanier.

2. Présentation de la marchandise

Article 11, paragraphe 4 du décret-loi. — Il n’est pas exigé de faire passer au contrôle douanier:

a) Les bagages et les véhicules des personnes mentionnées au paragraphe 7 de l’article 8.

Article 10, paragraphe 6 du décret. — En cas de réciprocité il n’est pas exigé de faire passer au contrôle douanier les bagages et les véhicules:

a) Des chefs d’État et des membres des corps exerçant les droits de chef d’État étranger, des chefs et des membres des gouvernements étrangers, des présidents des corps législatifs étrangers et des personnes étant à la suite des personnes susmentionnées;

b) Des représentants diplomatiques des États étrangers et des membres diplomatiques des représentations diplomatiques fonctionnant en Hongrie;

c) Des consul des États étrangers et des membres consulaires des consulats fonctionnant en Hongrie;

d) Des chefs et des membres des délégations gouvernementales se rendant en Hongrie y compris les chefs et les membres des délégations qui arrivent pour participer aux conférences diplomatiques tenues en Hongrie.
**Article 10, paragraphe 7 du décret.** — Les bagages et les véhicules des personnes visées aux alinéas b-d ne jouissent de l'exemption de contrôle douanier qu'au cas où ils seront importés par ces personnes elles-mêmes.


3. **La visite douanière**

**Article 12, paragraphe 2 du décret.** — Il faut passer outre à l'ouverture des colis munis de scellés diplomatiques ainsi qu'à celle des envois exempts de présentation.

4. **Exemptions et faveurs douanières**

**Article 22, paragraphe 2 du décret-loi.** — Sous les conditions fixées de concert par le Ministre du commerce extérieur et les autres ministres intéressés sont exempts, en cas de reciprocité, des droits de douane:

a) Les objets destinés à l'usage personnel des chefs et des membres des représentations diplomatiques et des consulats fonctionnant en Hongrie ainsi qu'à l'usage des membres de leur famille et des personnes appartenant à leur ménage, à condition que les personnes énumérées soient citoyens de l'État mandant;

b) Les objets destinés à l'usage personnel des chefs d'Etats étrangers, des membres des gouvernements étrangers, des présidents des corps législatifs étrangers, des membres des délégations gouvernementales étrangères et de leur suite;

c) Le matériel de bureau et les meubles d'installation importés pour le service de l'office des représentations diplomatiques et des consulats des États étrangers.


**Paragraphe 8.** — Lors de l'application des alinéas a-c du paragraphe 2 de l'article 22 du décret-loi il existe une présomption légale de reciprocité jusqu'à nouvel ordre.
Paragraphe 9 — Le chef de la représentation diplomatique ou du consulat intéressé devra attester d’une déclaration munie du sceau de la représentation ou du consulat que les objets importés sont destinés à l’usage personnel des personnes énumérées au paragraphe 7, ainsi qu’à celui des membres de leur famille ou bien des personnes appartenant à leur ménage, ou que ces objets sont nécessaires à l’installation et au fonctionnement de la représentation diplomatique ou du consulat. Les chefs des représentations diplomatiques pourront attester aussi verbalement la destination des objets importés par eux-mêmes ou délivrés à leur adresse.

Paragraphe 10 — Les objets de déménagement ou les objets dépassant la définition de bagage de route ne pourront être exemptés des droits de douane et délivrés aux personnes en fonction dans les représentations diplomatiques des États étrangers, et non visées au paragraphe 7, autrement que par l’autorisation du Ministre du commerce extérieur; le Ministre du commerce extérieur décidera en vertu de la vérification de la reciprocité attestée par le Ministre des affaires étrangères et le Ministre des finances. Pour obtenir l’autorisation, il faut, en sus, présenter une attestation de la part de la représentation diplomatique de l’État étranger fonctionnant en Hongrie ainsi que la liste des objets.

Paragraphe 11 — Seront également considérées comme matériel de bureau affecté au service de l’office: les voitures de service qui arrivent aux représentations diplomatiques des États étrangers, le combustible et les pièces de rechange nécessaires à leur usage.

Paragraphe 12 — Ce n’est qu’avec l’adhésion de la Banque Nationale de Hongrie que l’on peut aliéner à l’intérieur du pays les voitures et divers objets exempts des droits de douane. Pour l’achat de ces biens mobiles l’acheteur doit posséder une autorisation d’achat. Au cas de transfert de ces biens mobiles, il faut payer la douane. Cette stipulation doit être inscrite sur le certificat d’exemption de droit de douane.

Paragraphe 13 — Il faut, en sus, obtenir l’autorisation donnée de concert par le Ministre du commerce extérieur et les ministres intéressés, pour pouvoir vendre à l’intérieur du pays sans le payement de la douane des voitures exemptées des droits de douane sous l’interdiction d’aliénation.

Israel

(a) United Nations Immunities and Privileges Ordinance, No. 27 of 1947. An Ordinance to Make Provision for the Grant of Certain Immunities and Privileges to the United Nations and for Purposes Connected Therewith 1, 2

Be it enacted by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:

Short title

1. This Ordinance may be cited as the United Nations Immunities and Privileges Ordinance, 1947.

2 This Ordinance, by virtue of the Transitional Provisions Law, 5709-1949, remains in force in Israel.
Power of High Commissioner in Council to grant certain immunities, privileges and capacities to the United Nations

2. The High Commissioner in Council may, by order —

(a) Provide that the United Nations shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Schedule to this Ordinance, and shall also have the legal capacities of a body corporate;

(b) Confer upon such number of officers of the United Nations as may be specified in the order, being the holders of such high offices in the United Nations as may be so specified and upon any person who is the representative of a member government on the General Assembly or any council or other Organ of the United Nations, to such extent as may be so specified, the immunities and privileges set out in Part II of the Schedule to this Ordinance;

(c) Confer upon such other classes of officers and servants of the United Nations as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Ordinance,

And Part IV of the Schedule to this Ordinance shall have effect for the purpose of extending to the staffs of representatives of member governments and to the families of officers of the United Nations, any immunities and privileges conferred on the representatives or officers under paragraph (b) of this section except in so far as the operation of the said Part IV is excluded by the order conferring the immunities and privileges.

Power of High Commissioner in Council to grant immunities, privileges and capacities to the International Court

3. The High Commissioner in Council may, by order, confer on the judges and registrars of the International Court of Justice set up under the Charter of the United Nations, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of or convention approved by the General Assembly of the United Nations.

List of privileged persons to be published

4. (1) Where immunities and privileges are conferred on any persons by an order in Council made under section 2 or section 3 of this Ordinance, the Chief Secretary

(a) Shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of section 2, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of section 2, or under section 3;

(b) Shall cause any list compiled under this subsection to be published in the Gazette;

(c) Whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid.
(2) Every list or notice published under subsection (1) of this section shall state the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the list.

Reciprocal treatment

5. Nothing in the foregoing provisions of this Ordinance shall be construed as precluding the High Commissioner from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to Palestinian citizens or representatives.

The Schedule

PART I

Immunities and privileges of the United Nations

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is in the United Kingdom accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.

3. Exemption or relief from such taxes and rates, other than taxes on the importation of goods, as may be set out in the order made under section 2(a) of the Ordinance, being such taxes and rates as in the opinion of the High Commissioner in Council correspond as nearly as circumstances permit to taxes and rates from which exemption or relief is in the United Kingdom accorded to a foreign sovereign Power.

4. Exemption from taxes on the importation of goods directly imported by the United Nations for its official use in Palestine or for exportation, or on the importation of any publications of the United Nations directly imported by it, such exemption to be subject to compliance with such conditions as the Director of Customs and Excise may prescribe for the protection of the Revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the United Nations for its official use and in the case of any publications of the United Nations directly imported or exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Palestine), of any reduced rates applicable for the corresponding service in the case of press telegrams.
PART II

Immunities and privileges of high officers of the United Nations, persons on missions and government representatives

1. The like immunity from suit and legal process as is in the United Kingdom accorded to an envoy of a foreign sovereign Power accredited to His Majesty.

2. The like inviolability of residence as is in the United Kingdom accorded to such an envoy.

3. Exemption or relief from such taxes as may be set out in the order made under section 2(b) of the Ordinance, being such taxes as in the opinion of the High Commissioner in Council correspond as nearly as circumstances permit to taxes from which exemption or relief is in the United Kingdom accorded to such an envoy.

PART III

Immunities and privileges of other officers and servants

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from income tax in respect of emoluments received as an officer or servant of the United Nations.

PART IV

Immunities and privileges of representative's staff and of high officer's family

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative shall also be entitled to those immunities and privileges to the same extent as in the United Kingdom the retinue of an envoy of a foreign sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy:

Provided that where any such person is entitled to any exemption or relief from taxes as is mentioned in paragraph 3 of the said Part II, his official staff accompanying him as the representative of a member government shall be entitled to that exemption or relief only to such extent as may be specified in the order conferring exemption or relief on the representative, being the extent to which in the opinion of the High Commissioner in Council the retinue of an envoy of a foreign sovereign Power accredited to His Majesty is in the United Kingdom entitled to the exemption or relief from taxes accorded to the envoy.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the United Nations, that person's wife or husband and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as in the United Kingdom the wife or husband and children of an envoy of a foreign sovereign Power accredited to His Majesty are entitled to the immunities and privileges accorded to the envoy:

Provided that where any such person is entitled to any exemption or relief from taxes as is mentioned in paragraph 3 of the said Part II, that
person's wife or husband and children under the age of twenty-one shall be entitled to that exemption or relief only to such extent as may be specified in the order conferring exemption or relief on that person, being the extent to which in the opinion of the High Commissioner in Council the wife or husband and children of an envoy of a foreign sovereign power accredited to His Majesty are in the United Kingdom entitled to the exemption or relief from taxes accorded to the envoy.

(b) United Nations Immunities and Privileges Order, 1947

No. 27 of 1947

In exercise of the powers vested in him by paragraph (a) of section 2 of the United Nations Immunities and Privileges Ordinance, 1947 (hereinafter called the Ordinance), the High Commissioner in Council has ordered, and it is hereby ordered, as follows:

Citation

1. This Order may be cited as the United Nations Immunities and Privileges Order, 1947.

Immunities and privileges of the United Nations

2. (1) The United Nations shall have the immunities and privileges set out in paragraphs 1, 2, 4, 5 and 6 of Part I of the Schedule to the Ordinance.

(2) The United Nations shall be exempted from the payment of all taxes and rates imposed in Palestine.

United Nations to have capacities of a body corporate

3. The United Nations shall have the legal capacities of a body corporate to such extent as is necessary for the achievement of any of the objects of the United Nations contained in the Charter thereof and without prejudice to the generality of the foregoing shall have power to hold land, to make contracts and to sue in a court of law.

Italie

Note du 30 septembre 1959 reçue de la Mission permanente de l'Italie auprès des Nations Unies

La législation italienne s'est adaptée aux obligations lui dérivant des Conventions internationales en vigueur en cette matière à travers les lois d'approbation et d'exécution des Conventions mêmes.

Un des exemples les plus importants est envisagé dans la loi du 9 janvier 1951, n° 11, ayant approuvé et rendu exécutoire l'Accord stipulé à Washington le 31 octobre 1950 entre le Gouvernement de la République italienne et l'Organisation des Nations Unies pour l'alimentation et l'agriculture, au sujet du siège de cette dernière.

¹ Palestine Gazette No. 1592, Supplement No. 2, p. 1004.
² Le texte de cet accord sera publié dans le prochain volume de la Série législative (ST/LEG/SER.B/11) relatif aux institutions spécialisées et à certaines autres organisations internationales intergouvernementales.
Japan

Note: In a letter of 26 June 1959, the Minister for Foreign Affairs of Japan pointed out that “In Japan, the Agreement between the United Nations and Japan on Privileges and Immunities of the United Nations (July 25, 1952) ... is the basic law on the matter. In addition, the following laws and orders contain provisions relating to the United Nations and its Specialized Agencies: (See infra, (a), (b), (c) and (d)). Further, in Japan, some statutory provisions referring to the privileges and immunities of diplomatic envoys give room for their possible application to the United Nations and other inter-governmental international organizations by using such an expression as ‘foreign diplomatic missions, etc.’ or ‘such bodies as are considered similar in status to foreign diplomatic missions according to international custom’.”

(a) Customs Tariff Law (Law No. 54, April 15, 1910)

Unconditional exemption from duty

Article 14. The articles specified in the following paragraphs shall be exempt from import duties:

(3) Decorations, medallions and other similar awards and badges presented to any person residing in Japan by a foreign State or by any public body which is an administrative unit of such State, by any international organization or by any similar organization, foundation and the like which may be designated by the Minister of Finance;

(3-2) Articles presented by the United Nations or by its Specialized Agencies, which are to be used for educational and publicity purposes.

(b) Law Concerning Collection of Excise on Imported Goods (Law No. 37, June 30, 1955)

Exemption from excise

Article 7. The articles specified in any of the following paragraphs and exempted from the customs duty in accordance with the provisions of the corresponding paragraphs, shall be exempted from excise under the provisions of Cabinet Order . . . :

(1) Articles specified in paragraphs 1-4, Article 14 of the Customs Tariff Law (Law No. 54, 1910) . . .

(c) Order Concerning Control of Departure from and Entry into the Country (Cabinet Order No. 319, October 4, 1951)

Definitions

Article 2. For the purposes of this Cabinet Order the definitions given in the following paragraphs shall apply to the term given in the respective paragraph:

1 For the text of this Agreement see Second Part of this Volume, p. 266.

2 The texts of these laws and orders have been provided in Japanese by the Minister for Foreign Affairs of Japan. Translation by the Secretariat of the United Nations.
(5) "Passport" means a passport or a certificate in lieu of passport (including travel certificate issued by Japan consular officials) issued by the Government of Japan, by any foreign government recognized by the Government of Japan, or by any competent international organization.

Right of Residence

Article 4. Unless otherwise provided for by this Cabinet Order, no alien (except crew members; which exception shall apply throughout the remainder of this article) not having the right of residence conferred on persons belonging to either category specified below (which means the right of activity in connexion with residence in Japan conferred on respective aliens belonging to either category specified below; hereinafter the same) shall be permitted to land in Japan:

(2) Persons on official business of foreign government or international organization recognized by the Government of Japan.

Note: 1 At the present there is only one "competent international organization" within the meaning of Article 2, paragraph 5 namely, the United Nations.

(d) ORDER FOR THE ENFORCEMENT OF THE AUTOMOBILE COMPULSORY LIABILITY LAW (CABINET ORDER No. 286, OCTOBER 18, 1955)

Exemptions from contracting compulsory liability insurance

Article 1. Individuals or entities to be specified by Cabinet Order pursuant to Article 10 of the Automobile Compulsory Liability Law (hereinafter referred to as "the Law") shall be the following:

(2) Organs of the United Nations Organization which have their offices in Japan and designated by the Minister of Transportation persons (except nationals of Japan) specified in Articles 2 and 3 of the Agreement on the Privileges and Immunities of the United Nations concluded between the United Nations and Japan.

References:

(a) The Automobile Compulsory Liability Law (Law No. 97, July 29, 1955). Exemptions

Article 10. The provisions of Article 5 (Contracting compulsory liability insurance) and Articles 7 to 9 (Certificate of automobile liability insurance; Possession of such certificate; Presentation of such certificate) shall not apply to the automobiles used as means of conveyance for persons... to be specified by Cabinet Order...

(b) Regulations for Enforcement of the Automobile Compulsory Liability Law (Ministry of Transportation Ordinance No. 66, December 1, 1955)

Article 3. Persons specified by the Minister of Transportation in Article 1, paragraph 2 of the Order shall be other than persons in transit through Japan.

1 Accompanying the text of the Cabinet Order No. 319.
Korea (Republic of)

Note of 8 July 1959 received from the Minister of Foreign Affairs of the Republic of Korea

The Government of Korea promulgated or enacted no laws or regulations pertaining to the legal status, privileges and immunities of international organizations, other than those which were printed on pages 188 to 191 (under Korea) of the United Nations Legislative Series, Laws and Regulations regarding Diplomatic and Consular Privileges and Immunities (ST/LEG/SER.B/7). Those laws and regulations are still in force in Korea.

Netherlands

Note of 20 August 1959 received from the Acting Permanent Representative of the Netherlands to the United Nations

The Acting Permanent Representative has been instructed to inform the Secretary-General that there is no special law or regulation in force in the Netherlands relating to privileges and immunities of the United Nations, its Specialized Agencies and other Inter-governmental Organizations. The reason for this is that international agreements, also those containing provisions regarding privileges and immunities, acquire force of law as soon as they have been ratified or otherwise accepted by the Netherlands.

The only specific case to which reference could be relevant might be the International Patent Institute. The privileges and immunities accorded to this Institute were arranged for in an exchange of notes on 1 April 1950 which were published in the Netherlands State Journal K. 312...

New Zealand

(a) Diplomatic Immunities and Privileges Act 1957 No. 21

An Act to consolidate and amend certain enactments of the General Assembly relating to diplomatic immunities and privileges

[11 October 1957]

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title. This Act may be cited as the Diplomatic Immunities and Privileges Act 1957.

2. Interpretation. In this Act, unless the context otherwise requires,

"Chief representative of a Commonwealth country" means a person, whether he is known by the title of High Commissioner or by another title, who is recognised by the Government of New Zealand as the chief representative in New Zealand of any other Commonwealth country;

"Chief representative of New Zealand" means any person, whether he is known by the title of High Commissioner or by another title, who is
recognised by the Government of any other Commonwealth country as the chief representative of New Zealand in that other Commonwealth country;

"Commonwealth country" means a country that is a member of the British Commonwealth of Nations; and includes the Republic of Ireland as if that country were a member of the British Commonwealth of Nations;

"Foreign consular officer" means a consular officer of a foreign sovereign Power who is recognised by the Government of New Zealand;

"Foreign envoy" means an envoy of a foreign sovereign Power who is accredited to Her Majesty in right of New Zealand or to the Government of New Zealand;

"Member of the family", in relation to any person to whom this Act applies, means the spouse or any dependent child of that person:

"Minister" means the Minister of External Affairs;

"Personal immunities" means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and inviolability of residence.

Cf. 1952, No. 72, ss. 2, 3.

PART I

DIPLOMATIC IMMUNITIES AND PRIVILEGES

Immunities of Foreign Envoys and Consular Officers

3. Immunities of foreign envoys and consular officers. (1) Subject to the provisions of this Act, every foreign envoy and every foreign consular officer, the members of the families of those persons, the members of their official or domestic staff, and the members of the families and of the domestic staff of the members of their official staff shall be accorded immunity from suit and legal process and inviolability of residence, official premises, and official archives to the extent to which they were respectively so entitled under the law of New Zealand immediately before the passing of this Act.

(2) For the purposes of this section, sections three and five of the Act of the Parliament of Great Britain intituled the Diplomatic Privileges Act 1708 shall be deemed to have formed part of the law of New Zealand immediately before the passing of this Act.

Immunities of Commonwealth Representatives

4. Immunities of chief representatives. Subject to the provisions of this Act, a chief representative of a Commonwealth country shall be entitled to the like immunity from suit and legal process, and the like inviolability of residence, official premises, and official archives, as are accorded to a foreign envoy.

Cf. 1952, No. 72, s. 4.

5. Immunities of members of staffs and of families. Subject to the provisions of this Act, a person who is:

(a) A member of the official or domestic staff of a chief representative of a Commonwealth country; or

(b) A member of the family of a chief representative of a Commonwealth country; or
(c) A member of the family of a member of the official staff of a chief representative of a Commonwealth country, —
shall be entitled to the like immunity from suit and legal process as would be accorded to him if the chief representative were a foreign envoy.

Cf. 1952, No. 72, s. 5.

6. Consular immunity may be conferred by regulations. Without limiting the power to make regulations conferred by section nineteen of this Act, regulations may from time to time be made under that section conferring on:

(a) Persons in the service of the Government of any other Commonwealth country; or

(b) Persons in the service of the Government of any territory for whose international relations the Government of any such country is responsible (other than persons on whom immunity is conferred by the foregoing provisions of this Act), holding such offices or classes of offices as may be specified in that behalf in the regulations, the like immunity from suit and legal process and the like inviolability of official premises and official archives as are accorded to foreign consular officers.

Cf. 1952, No. 72, s. 6.

7. Immunities may be waived. (1) A chief representative of a Commonwealth country may waive any immunity or inviolability conferred by or under this Act on himself or on a member of his official or domestic staff, or on a member of his family or of the family of a member of his official staff.

(2) Any person may waive any immunity or inviolability conferred on him by or under regulations made for the purposes of section six of this Act.

Cf. 1952, No. 72, s. 8.

Reciprocal Withdrawal of Immunities

8. Reciprocal withdrawal of personal immunities. (1) Where it appears to the Governor-General in Council that any personal immunities conferred by law on a foreign envoy or a chief representative of a Commonwealth country, the members of the families of those persons, members of their official or domestic staff, and the members of the families and of the domestic staff of members of their official staff, exceed in any respect those accorded in the territory of the foreign sovereign Power concerned to an envoy of Her Majesty in right of New Zealand or, as the case may be, in the Commonwealth country concerned to a chief representative of New Zealand, and to persons similarly connected with that envoy or that chief representative of New Zealand, the Governor-General may, by Order in Council, withdraw those personal immunities in the case of that Power or that Commonwealth country to such extent and in respect of such classes of persons as appears to the Governor-General in Council to be proper.

(2) Every Order in Council under subsection one of this section shall be disregarded for the purposes of paragraph (a) of the proviso to section six of the British Nationality and New Zealand Citizenship Act 1948 (which relates to the citizenship of the children of certain persons possessing immunity from suit and legal process).

Cf. 1952, No. 72, s. 3.
9. **Power to grant exemptions from taxation to other Governments and to diplomatic and other representatives in New Zealand.** (1) Notwithstanding anything to the contrary in any Act, the Minister of Finance may from time to time wholly or partly exempt from any public or local tax, duty, rate, levy, or fee any of the following Governments or persons:

   (a) The Government of any Commonwealth country or of any foreign country or the Government of any territory for whose international relations the Government of any Commonwealth country or foreign country is responsible;

   (b) A foreign envoy;

   (c) A chief representative of a Commonwealth country;

   (d) A foreign consular officer;

   (e) A person in respect of whom any regulations have been made for the purposes of section six of this Act;

   (f) A representative or officer of the Government of any country other than New Zealand, or of any provisional Government, national committee, or other authority recognised by Her Majesty in right of New Zealand, if he is temporarily resident in New Zealand in accordance with any arrangement made with the Government of New Zealand;

   (g) A member of the official staff of any person to whom any of the foregoing paragraphs applies;

   (h) A member of the domestic staff of any person to whom any of the foregoing paragraphs applies;

   (i) A member of the family of any person to whom any of the foregoing paragraphs applies.

(2) The powers conferred on the Minister of Finance by subsection one of this section shall be deemed to include:

   (a) Power to exempt from stamp duty under the Stamp Duties Act 1954 and from any fee or duty under any other Act any instrument or class of instruments to which any of the Governments or persons referred to in that subsection is a party;

   (b) Power, on the death of any person referred to in that subsection,

      (i) To exempt wholly or partly the estate of that person from estate duty under the Estate and Gift Duties Act 1955; and

      (ii) To exempt any instrument or document or class of instruments or documents made for or relating to the appointment of an executor or administrator in the estate of that person, or to the administration or distribution of the estate, from stamp duty under the Stamp Duties Act 1954 and from any fee or duty under any other Act.

(3) Any exemption granted under this section may be granted either unconditionally or subject to such conditions as the Minister of Finance thinks fit, and the Minister of Finance may at any time revoke any such exemption or revoke, vary, or add to any such conditions.

(4) Every such exemption shall come into force on such date as may be specified in that behalf by the Minister of Finance. The date so specified may be before or after the date of the granting of the exemption or before or after the passing of this Act.
(5) If any question arises as to the persons entitled to any such exemption or as to the extent of any such exemption, it shall be determined by the Minister of Finance, and his decision shall be final.

Cf. 1943, No. 9, s.7 (1), (1A), (1B), (2)-(4), (10); 1943, No. 15, s.10; 1946, No. 16, ss.14, 17; 1956, No. 51, s.4.

New Zealand Citizens and Residents

10. Personal immunities and privileges of New Zealand citizens and residents.

Where a person who is a member of the official or domestic staff of:

(a) A foreign envoy; or
(b) A foreign consular officer; or
(c) A chief representative of a Commonwealth country; or
(d) A person in respect of whom regulations have been made for the purposes of section six of this Act; or
(e) A person to whom paragraph (f) of section nine of this Act applies
is a New Zealand citizen and not a citizen of the country concerned, or is not resident in New Zealand solely for the purpose of performing his duties as such a member, that person shall not, and a member of the family of that person shall not by reason only of his being a member of that family, be entitled to the personal immunities (if any) which would otherwise be conferred on him by law or to any exemption granted under section nine of this Act.

Cf. 1943, No. 9, s.7 (1); 1952, No. 72, s.5.

PART II

IMMUNITIES AND PRIVILEGES OF INTERNATIONAL ORGANISATIONS AND PERSONS CONNECTED THERewith

11. Immunities, privileges, and capacities of certain international organisations and persons connected therewith.

(1) This section shall apply to any organisation declared by the Governor-General, by Order in Council, to be an organisation the members of which are sovereign Powers (whether foreign sovereign Powers or Commonwealth countries) or the Government or Governments thereof.

(2) The Governor-General may from time to time, by Order in Council,

(a) Provide that any organisation to which this section applies (hereinafter referred to as the organisation) shall, to such extent as may be specified in the order, have the immunities and privileges set out in the First Schedule to this Act, and shall also have the legal capacities of a body corporate;

(b) Confer upon:

(i) Any persons who are representatives (whether of Governments or not) on any organ of the organisation or at any conference convened by the organisation or are members of any committee of the organisation or of any organ thereof;

(ii) Such officers or classes of officers of the organisation as are specified in the order, being the holders of such high offices in the organisation as are so specified;

(iii) Such persons employed on missions on behalf of the organisation as are specified in the order,
to such extent as are specified in the order, the immunities and privileges specified in the Second Schedule to this Act;

(c) Confer upon such other classes of officers and servants of the organisation as are specified in the order, to such extent as are so specified, the immunities and privileges specified in the Third Schedule to this Act, and the Fourth Schedule to this Act shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in subparagraph (i) of paragraph (b) of this subsection and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members, or officers under that paragraph, except in so far as the operation of the said Fourth Schedule is excluded by the order conferring the immunities and privileges;

Provided that no Order in Council under this subsection shall confer any immunity or privilege upon any person as the representative of Her Majesty in right of New Zealand or of the Government of New Zealand or as a member of the staff of such a representative.

Cf. 1947, No. 39, ss.2, 3 (1) (2).

12. Immunities and privileges of Judges of, and suitors to, the International Court of Justice. The Governor-General may from time to time, by Order in Council, confer on the Judges and Registrars of the International Court of Justice established by the Charter of the United Nations, and on suitors to that Court and their agents, counsel, and advocates, such immunities, privileges, and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

Cf. 1947, No. 39, s.3 (2) (d).

13. Extent of privileges. The powers conferred on the Governor-General in Council by sections eleven and twelve of this Act shall be deemed to include power to exempt from stamp duty under the Stamp Duties Act 1954 and from any fee or duty under any other Act any instrument or class of instruments to which any organisation or person to which or to whom either of those sections applies is a party.

Cf. 1947, No. 39, s.3 (3).

14. Immunities and privileges of representatives attending international conferences. Where:

(a) A conference is held in New Zealand and is attended by representatives of the Government of New Zealand and the Government of Governments of one or more other Commonwealth countries or of one or more foreign sovereign Powers or of any of the territories for whose international relations any of those Governments is responsible; and

(b) It appears to the Minister that doubts may arise as to the extent to which the representatives of those Governments (other than the Government of New Zealand) and members of their official staffs are entitled to immunities and privileges,

the Minister may, by notice in the Gazette, direct that every representative of any such Government (other than the Government of New Zealand) shall, for the purpose of any enactment or rule of law or custom relating to the immunities and privileges of a foreign envoy, and of the members of the official staff of a foreign envoy, be treated as if he were a foreign envoy, and that such of the members of his official staff as the Minister may from time
to time direct shall be treated for the purpose aforesaid as if they were
members of the official staff of a foreign envoy.
Cf. 1947, No. 39, s.5.

15. Reciprocal treatment — Nothing in the foregoing provisions of this
Part of this Act shall be construed as precluding the Governor-General in
Council from declining to accord immunities or privileges to, or from
withdrawing immunities or privileges from, nationals or representatives of
any Government or sovereign Power (whether a foreign sovereign Power or
a Commonwealth country) on the ground that that Government or Power
is failing to accord corresponding immunities or privileges to New Zealand
nationals or representatives.
Cf. 1947, No. 39, s.6.

PART III

MISCELLANEOUS PROVISIONS

16. Provisions as to exemptions from taxation. (1) The Minister of Finance
may direct that such refunds or payments be made from any public fund or
account or from the money of any local authority, public body, or person
as may in the opinion of the Minister be necessary to give effect to any
exemption granted under section nine or section eleven or section twelve or
section fourteen of this Act.

(2) Where any loss is suffered by any public fund or account other than
the Consolidated Fund by the granting of any such exemption or by the
making of any refund or payment directed under this section, the Minister
of Finance may direct that such payments be made from the Consolidated
Fund to that other fund or account as may be necessary in the opinion of
that Minister to reimburse that loss.

(3) Where any loss is suffered by any local authority, public body, or
person by the granting of any such exemption or by the making of any
refund or payment directed under this section, the Minister of Finance may
direct that such payments be made from the Consolidated Fund to that
local authority, public body, or person as may be necessary in the opinion
of that Minister to reimburse that loss.

(4) All refunds or payments directed under this section to be made from
any public fund or account shall be made without further appropriation
than this section.
Cf. 1943, No. 9, s.7 (5)-(8).

17. Certificate of Minister. If in any proceedings any question arises
whether or not any organisation or any person is entitled to immunity from
suit and legal process under any provision of this Act or of any regulations
made under this Act, a certificate issued by the Minister stating any fact
relevant to that question shall be conclusive evidence of that fact.
Cf. 1947, No. 39, s.3 (4), (5); 1952, No. 72, s.7.

18. Saving of legal proceedings. This Act shall not affect any legal proceed-
ings begun before the passing of this Act.
Cf. 1952, No. 72, s.9.

19. Regulations. The Governor-General may from time to time, by Order
in Council, make regulations for any purpose for which regulations are
contemplated or required by this Act, and make all such other regulations
as he thinks necessary or expedient for the purpose of giving effect to the provisions of this Act and for the due administration thereof.

Cf. 1952, No. 72, s.10.

20. Orders in Council and regulations to be laid before Parliament. All Orders in Council and regulations made under this Act shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

Cf. 1947, No. 39, s.4.

21. Application of Act to island territories and to Western Samoa. (1) This Act shall be in force in the Cook Islands, the Tokelau Islands, and Western Samoa.

(2) In the application of this Act to the Cook Islands, unless the context otherwise requires,

(a) Every reference to New Zealand (when used as a territorial description) shall be construed as including a reference to the Cook Islands;

(b) The references in section three to the law of New Zealand shall be construed as references to the law of the Cook Islands;

(c) Every reference to the Minister of Finance shall, in relation to the Cook Islands other than Niue, be construed as a reference to the Resident Commissioner of Rarotonga;

(d) Every reference to the Consolidated Fund shall be construed as a reference to the Cook Islands Treasury.

(3) In the application of this Act to the Tokelau Islands, unless the context otherwise requires,

(a) Every reference to New Zealand (when used as a territorial description) shall be construed as including a reference to the Tokelau Islands;

(b) The references in section three to the law of New Zealand shall be construed as references to the law of the Tokelau Islands.

(4) In the application of this Act to Western Samoa, unless the context otherwise requires,

(a) Every reference to New Zealand (when used as a territorial description) shall be construed as including a reference to Western Samoa;

(b) The references in section three to the law of New Zealand shall be construed as references to the law of Western Samoa;

(c) Every reference to the Minister of Finance or the Minister of Customs shall be construed as a reference to the High Commissioner of Western Samoa;

(d) Every reference to the Consolidated Fund shall be construed as a reference to the Samoan Treasury;

(e) Every reference to a New Zealand citizen or to a New Zealand national shall be construed as a reference to a person who is a New Zealand protected person by reason of his connection with Western Samoa.

(5) In the application of this Act to the Cook Islands, the Tokelau Islands, or Western Samoa, every reference to stamp duty under the Stamp Duties Act 1954 or to estate duty under the Estate and Gift Duties Act 1955
shall be construed as a reference to the corresponding duty under the law in force in that territory.

Cf. 1952, No. 72, s.11.

22. Repeals and savings. (1) The enactments specified in the Fifth Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act, and as if that provision had been in force when the document was made or the thing was done.

Schedules

Section 11 (2) (a)

FIRST SCHEDULE

Immunities and Privileges of International Organisations

1. Immunity from suit and legal process.

2. The like inviolability of official premises and official archives as is accorded in respect of the official premises and official archives of a foreign envoy.

3. Immunity in relation to its property and assets, wherever located and by whomsoever held, from search, requisition, confiscation, expropriation, or any other form of interference.

4. The like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign country.

5. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in New Zealand or for exportation, or on the importation of any publications of the organisation directly imported by it, subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

6. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it, subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

7. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside New Zealand), of any reduced rates applicable for the corresponding service in the case of press telegrams.
SECOND SCHEDULE

Immunities and Privileges of Representatives, Members of Committees, High Officers, and Persons on Missions

1. The like immunity from suit and legal process as is accorded to a foreign envoy.
2. The like inviolability of residence, official premises, and official archives as is accorded to a foreign envoy.
3. The like exemption from taxes and rates as is accorded to a foreign envoy.

THIRD SCHEDULE

Immunities and Privileges of other Officers and Servants

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from taxes in respect of emoluments received as an officer or servant of the organisation.
3. Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand, that exemption to be subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

FOURTH SCHEDULE

Immunities and Privileges of Official Staffs and of High Officers' Families

1. Where any person is entitled to any such immunities and privileges as are mentioned in the Second Schedule to this Act as the representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the members of the official staff of a foreign envoy are entitled to the immunities and privileges accorded to that envoy.
2. Where any person is entitled to any such immunities and privileges as are mentioned in the Second Schedule to this Act as an officer of the organisation, the members of the family of that person shall also be entitled to those immunities and privileges to the same extent as the members of the family of a foreign envoy are entitled to the immunities and privileges accorded to that envoy.

FIFTH SCHEDULE

Enactments repealed

1943, No. 9. The Finance Act (No. 2) 1943: Section 7.
1943, No. 15. The Finance Act (No. 3) 1943: Section 10.

(b) DIPLOMATIC PRIVILEGES (UNITED NATIONS) ORDER 1959 NO. 51

Pursuant to the Diplomatic Immunities and Privileges Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. This order may be cited as the Diplomatic Privileges (United Nations) Order 1959.

2. The United Nations is hereby declared to be an organisation the members of which are sovereign Powers.

Immunities and Privileges of the United Nations

3. The United Nations shall have the legal capacities of a body corporate.

4. Except in so far as in any particular case it has expressly waived its immunity, the United Nations shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

5. The United Nations shall have the like inviolability of official premises and official archives as is accorded in respect of the official premises and official archives of a foreign envoy.

6. The United Nations shall have immunity in relation to its property and assets, wherever located and by whomsoever held, from search, requisition, confiscation, expropriation, or any other form of interference.

7. The United Nations shall have the like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign country.

8. The United Nations shall have exemption from taxes on the importation of goods directly imported by the United Nations for its official use in New Zealand or for exportation, or on the importation of any publications of the United Nations directly imported by it, subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

9. The United Nations shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the United Nations for its official use and, in the case of any publications of the United Nations directly imported or exported by it, subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

10. The United Nations shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside New Zealand), of any reduced rates applicable for the corresponding service in the case of press telegrams.
Immunities and Privileges of Representatives of the Governments of Members

11. (1) Except in so far as in any particular case any immunity or privilege is waived by the Governments concerned, representatives of the Governments of members on any organ of the United Nations or at any conference convened by the United Nations shall enjoy:

(a) While exercising their functions as such, and during their journey to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as are accorded to a foreign envoy;

(b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as such;

(c) While exercising their functions as such, and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a foreign envoy, save that the relief allowed shall not include relief from Customs and excise duties or sales tax except in respect of goods imported as part of their personal baggage.

(2) This clause shall not confer any immunity or privilege upon any person as the representative of the Government of New Zealand or as a member of the staff of such a representative.

Immunities and Privileges of High Officials of the United Nations

12. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General or the Security Council of the United Nations, the Secretary-General of the United Nations and the Under-Secretaries and officers of equivalent rank shall be accorded the like immunity from suit and legal process, the like inviolability of residence, official premises, and official archives, and the like exemption from taxes and rates as are accorded to a foreign envoy.

Immunities and Privileges of Persons Employed on Missions

13. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the United Nations, persons employed on missions on behalf of the United Nations shall enjoy:

(a) While performing their missions and during time spent on journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents relating to the work of the United Nations;

(b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions;

(c) Exemptions from ordinary income tax and social security income tax in respect of emoluments received by them for services while performing their duties.

Immunities and Privileges of Other Officials

14. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the United Nations, all officials of the United Nations (other than those referred to in clause 12 hereof) shall enjoy:
Immunity from suit and legal process in respect of words spoken or written and all things done or omitted to be done by them in the course of the performance of their official duties;

Exemption from ordinary income tax and social security income tax in respect of emoluments received by them as officers or servants of the United Nations;

Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand, that exemption to be subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

Miscellaneous

15. This order shall be in force in the Cook Islands, the Tokelau Islands, and Western Samoa.

16. This order is hereby declared to be a reserved enactment for the purposes of sections 39 and 70 of the Cook Islands Amendment Act 1957 and of section 32 of the Samoa Amendment Act 1957.

17. The Diplomatic Privileges (United Nations) Order 1947 is hereby revoked.

(c) DIPLOMATIC PRIVILEGES (INTERNATIONAL COURT OF JUSTICE) ORDER 1959 No. 61

1. This order may be cited as the Diplomatic Privileges (International Court of Justice) Order 1959.

Immunities and Privileges of Judges and the Registrar

2. Except in so far as in any particular case any immunity or privilege is waived by the Court, the Judges and Registrar of the International Court of Justice (including any officer of the Court acting as Registrar) shall, when engaged on the business of the Court and during any journey to and from the place where the Court is sitting in connection with any such business, enjoy the like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes as is accorded to a foreign envoy.

Immunities and Privileges of Agents, Counsel, and Advocates

3. (1) Except in so far as in any particular case any immunity or privilege is waived by the Government which they represent before the Court, the agents, counsel, and advocates of parties before the Court shall enjoy:

(a) When engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connection with any such mission, immunity from personal arrest or detention, and from seizure of their personal baggage, and inviolability for all papers and documents;

(b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in this capacity;

1 S.R. 1947/204.
(c) When engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connection with any such mission, the like exemption or relief from taxes as is accorded a foreign envoy, save that the relief allowed shall not include relief from Customs and excise duties or sales tax except in respect of goods imported as part of their personal baggage.

(2) This clause shall not confer any immunity or privilege upon any person acting on behalf of the Government of New Zealand or upon any person resident in New Zealand acting on behalf of any other Government.

Application to Island Territories

4. This order shall be in force in the Cook Islands, the Tokelau Islands, and Western Samoa.

5. This order is hereby declared to be a reserved enactment for the purposes of sections 39 and 70 of the Cook Islands Amendment Act 1957 and of section 32 of the Samoa Amendment Act 1957.

(d) Aliens Act 1948 No. 28

General

18. Regulations. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the intent and purpose of this Part of this Act.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes;

(d) Exempting or providing for the exemption of any aliens or classes of aliens from the provisions of this Part of this Act, either wholly or partly, and either unconditionally or upon or subject to such conditions as may be prescribed by the regulations.

(e) Aliens Regulations 1948 No. 214

3. In these regulations, unless inconsistent with the context,

"The said Act" means the Aliens Act, 1948;

"Consular officer" includes Consul-General, Consul, Vice-Consul, Pro-Consul, and Consular Agent;

"Diplomatic representative" includes Ambassador, Envoy, Minister, and Chargé d'Affaires, and includes also any person holding office under the United Nations or under a specialized agency brought into relationship with the United Nations to whom the Minister accords diplomatic status for the purpose of these regulations.

4. The following aliens and classes of aliens shall be exempt from the provisions of Part II of the said Act:

(a) Diplomatic representatives accredited to His Majesty or to the Government of New Zealand;
(b) Consular officers holding His Majesty’s exequatur, or to whom provisional recognition has been accorded, or in respect of whom an application for recognition is pending, other than consular officers of a country between which and His Majesty a state of war for the time being exists;

(c) Any person present in New Zealand and the members of any Commission so present on behalf of the Government of a foreign country, if such person or Commission has been duly recommended by that Government to the good offices of the Government of New Zealand and the recommendation has been acceded to;

(d) Any person present in New Zealand as a delegate to a conference and with the approval of the Minister of Internal Affairs;

(e) Any member of the staff of a person exempted under the preceding paragraphs of this regulation who has been sent to New Zealand by the Government of the country concerned, or by the secretariat of the United Nations or a specialized agency, for the purpose of serving on that staff;

(f) Any personal servant of a person exempted under the preceding paragraphs of this regulation so long as the servant is employed exclusively in that capacity;

Provided that every exemption hereby conferred shall hold good only so long as the person in question continues to hold a status or condition by virtue of which he is entitled to exemption.

(f) Passports Act 1946 No. 10

Production of Passports by Persons arriving in New Zealand

Governor-General in Council may make regulations requiring the production of passports by persons arriving in New Zealand from overseas

10. (1) The Governor-General may from time to time, by Order in Council, make regulations:

(a) Requiring the production of passports by persons arriving in New Zealand from overseas;

(b) Requiring that any passport so produced shall comply with any conditions as to form or contents, or date of issue, or visas;

(c) Exempting, either conditionally or unconditionally, or upon or subject to such conditions as may be prescribed, any persons or specified classes of persons from the requirement to produce passports or from any requirement in relation to any passport produced.

(g) Passport Regulations 1946 No. 196

Exemptions

4. (1) ...
restriction as to the place of landing, and subject to such conditions (if any) as he thinks fit to impose.

(h) Defamation Act 1954 No. 46

PART III

General

17. Qualified privilege for certain reports. (1) Subject to the provisions of this section, the publication of any such report or other matter as is mentioned in the First Schedule to this Act shall be privileged in any civil or criminal proceeding unless the publication is proved to be made with malice.

(2) In an action for defamation in respect of the publication in a newspaper, or as part of any programme or service provided by means of a broadcasting station, of any such report or matter as is mentioned in Part II of the First Schedule to this Act, the provisions of this section shall not be a defence if it is proved that the defendant has been requested by the plaintiff to publish in the manner in which the original publication was made a reasonable letter or statement by way of explanation or contradiction, and has refused or neglected to do so, or has done so in a manner not adequate or not reasonable having regard to all the circumstances.

(3) Nothing in this section shall be construed as protecting the publication:

(a) of any report or other matter the publication of which is prohibited by law, or by any lawful order, in New Zealand or in the other territory (if any) in which the subject-matter of the report or other matter arose;

(b) of any such report or other matter as is mentioned in Part II of the First Schedule to this Act unless it is of public concern and the publication of it is for the public benefit.

(4) Nothing in this section shall be construed as limiting or abridging any privilege subsisting (otherwise than by virtue of section two of the Law of Libel Amendment Act 1910) immediately before the commencement of this Act.

Cf. 1910, No. 83, ss. 2, 3; 1933, No. 47, s. 2; 1948, No. 77, s. 26; Defamation Act 1952, ss. 7, 9 (2), (3) (U.K.).

SCHEDULES

FIRST SCHEDULE

Statements having Qualified Privilege

PART I

Statements privileged without Explanation or Contradiction

1. A fair and accurate report of the proceedings of the House of Representatives or of any Committee thereof.

2. A fair and accurate report of the proceedings of any Court of justice in New Zealand, whether those proceedings are preliminary, interlocutory, or final, and whether in open Court or not, or of the result of any such proceedings.
PART II

Statements privileged Subject, in the Case of a Newspaper or a Broadcasting Station, to Explanation or Contradiction

4. A fair and accurate report of the proceedings of any Court of justice outside New Zealand, whether those proceedings are preliminary, interlocutory, or final, and whether in open Court or not, or of the result of any such proceedings.

6. A fair and accurate report of the proceedings of any international organisation of which New Zealand or any other territory within the Commonwealth, or the Government of New Zealand or any such territory, is a member, or of any international conference to which the Government of New Zealand or any other territory within the Commonwealth sends a representative.

8. A notice or advertisement published by or on the authority of any Court of justice, whether within New Zealand or elsewhere, or any Judge or officer of such a Court.

PART III

Interpretation

14. In this Schedule, unless the context otherwise requires:

"Court of justice" includes the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between States;

Nicaragua

NOTE 1 OF 19 JUNE 1959 RECEIVED FROM THE MINISTRY OF FOREIGN AFFAIRS OF NICARAGUA

The Ministry of Foreign Affairs wishes to state ... that the Government of Nicaragua on 26 October 1947 ratified the Convention on the Privileges and Immunities of the United Nations and on 22 October 1958 acceded to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations. The provisions of both these international instruments are in practice applied in Nicaragua, although no Act had thus far been passed regulating their application.

1 Translation by the Secretariat of the United Nations.
Norway

(a) Act of 19 June 1947 concerning Immunities and Privileges of International Organizations, etc.¹

In international agreements acceded to by Norway, international organizations, the officials thereof and other persons acting on behalf of such organizations, and the representatives and delegates of the States members of such organizations may be granted immunities and privileges irrespective of the provisions of Norwegian law.

The King may make regulations for the application of the provisions governing immunities and privileges in such agreements.

(b) Ministry of Finance and Customs. Circular to Customs Offices (F.D. Jnr. 1045/1950.B.4) respecting Customs Inspection of Personal Baggage belonging to Representatives of Members of the United Nations and Related Specialized Agencies or to Officials and Experts travelling on Missions for the United Nations and the said Agencies ¹

In pursuance of the Convention of 13 February 1946 on the Privileges and Immunities of the United Nations and of the Convention of 21 November 1947 on the Privileges and Immunities of the Specialized Agencies, both acceded to by Norway, the following rules are made in respect of Customs inspection of personal baggage belonging to the following categories of travellers:

1. Representatives of Member States, etc.

Representatives of Members to conferences convened by the United Nations or by the specialized agencies and members of any governing body of the latter agencies shall, during the journey to and from the place of meeting, be exempt from Customs inspection of their personal baggage.

2. Officials

The Secretary-General, assistant secretaries-general and directors of the United Nations and the executive head (director-general, secretary-general, director, president etc.) and the assistant or acting head of each specialized agency shall be exempt from Customs inspection of his personal baggage. The exemption shall apply also to the spouse and minor children of any such official.

Other officials of the United Nations or the specialized agencies travelling on the business of these organs and provided with a United Nations laissez-passer are in principle subject to Customs supervision, but the Ministry does not for the time being object to their being passed through Customs without inspection if each such official declared in writing or orally to a Customs inspector that his baggage consists only of personal effects and travel necessities. This privilege shall not be granted if a Customs inspector finds cause to doubt the statement made.

3. Experts

Experts on missions for the United Nations or the specialized agencies shall be exempt from Customs inspection of their personal baggage provided

¹ Translation by the Secretariat of the United Nations.
that they hold a certificate stating that they are travelling on the business of the United Nations or the specialized agencies.

It is requested that all the aforementioned persons be permitted to pass through Customs before other travellers but not before foreign diplomats accredited to this country.

It must be noted that a United Nations *laissez-passer* is a *valid travel document* on the same footing as a national passport and that it is *not* to be taken from the person bearing it and sent to the Ministry of Foreign Affairs as though it were a Norwegian *laissez-passer*.

The aforementioned Customs facilities applicable to persons entering and leaving Norway shall not apply to Norwegian nationals, but they shall be granted to the officials referred to in the first paragraph of item 2 irrespective of nationality.

Norway's accession to the Convention on the Privileges and Immunities of the Specialized Agencies comprises the following organizations:

1. The International Labour Organisation (ILO);
2. The Food and Agriculture Organization of the United Nations (FAO);
3. The United Nations Educational, Scientific and Cultural Organization (UNESCO);
4. The International Civil Aviation Organization (ICAO);
5. The World Health Organization (WHO);
6. The International Refugee Organization (IRO);
7. The International Monetary Fund;
8. The Universal Postal Union; and

Oslo, 6 June 1950

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(c) **MINISTRY OF FINANCE AND CUSTOMS. CIRCULAR TO CUSTOMS OFFICES (F.D. JN. 1446/1952, B.4). RE: EXEMPTION FROM CUSTOMS DUTIES FOR UNITED NATIONS INFORMATION MEDIA**

In accordance with the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to both of which Conventions Norway has acceded, notice is hereby given that until further notice the Ministry agrees to exempt from customs duties and ordinary purchase tax information media such as pamphlets, reports, charts, photographs, mimeographed papers, matrices, blocks, posters, books, lantern slides, and films, etc. which *Norsk Samband for de forente Nasjoner* (The Norwegian United Nations Association) or the Norwegian National Commission of UNESCO receives from United Nations Information Offices abroad or from UNESCO to be used in their information work on the United Nations and other international organizations.

It is a presupposition that the material is received free of charge and that it is not to be sold in this country.

In a note of 28 April 1952 the Ministry of Commerce has agreed that such material as mentioned above may be imported without licence to the same

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1 Translation by the Secretariat of the United Nations.
extent as exemption from customs duties has been granted, and has besides agreed that such material as has been received from United Nations Information Centres abroad or from UNESCO may be re-exported after having been used without presentation of export licence.

Oslo, 6 June 1952


CHAPTER I. Passports and other identification documents

Article 8

In lieu of a passport, a valid identification document ("laissez-passer") issued by the appropriate international organization shall be accepted in respect of the following persons:

(a) Representatives to the United Nations;
(b) Permanent Officials of the United Nations or the following specialized agencies:
   1. The International Labour Organisation (ILO);
   2. The Food and Agriculture Organization of the United Nations (FAO);
   3. The United Nations Educational, Scientific and Cultural Organization (UNESCO);
   4. The International Civil Aviation Organization (ICAO);
   5. The World Health Organization (WHO);
   6. The International Monetary Fund;
   7. The Universal Postal Union (UPU);
   8. The International Bank for Reconstruction and Development;
   (c) Judges of the International Court of Justice;
   (d) The Registrar and officers of the International Court of Justice;
   (e) Any person acting on behalf of the United Nations, a specialized agency or the Court, who produces credentials to that effect.

CHAPTER III. Visa procedure

Article 24

No alien may enter Norway unless his passport or other identification document has, before entry, been endorsed (visé) by an authority competent for that purpose.

The following persons shall, for the time being, be exempt from the visa obligation prescribed by the first paragraph:

¹ Translation by the Secretariat of the United Nations.
(e) An alien as referred to in article 8, together with his spouse and children or an alien as referred to in article 9, first paragraph.

CHAPTER IV. RESIDENCE AND OBLIGATION TO REPORT

Article 31

An alien who, as provided in article 19 of the Act, is required to have a work permit, or who intends to reside, or has been residing, in Norway for a period of more than three months from the date of his entry by way of the outer Nordic frontier or beyond the time-limit specified in his visa shall be required to have a residence permit and to report as prescribed by articles 5 and 7 of the Act, cf. article 33 of the Regulations.

A visa-free alien in possession of a residence permit valid for Denmark, Finland or Sweden shall not require a Norwegian residence permit unless he intends to reside, or has resided, in Norway for a period of more than three months from the date of his entry into Norway, or unless he is seeking, or has accepted employment, or is carrying on an independent gainful activity, in Norway.

In the application of the provisions of the first paragraph, periods during which an alien has been resident in Norway, Denmark, Finland or Sweden within the six months preceding his most recent entry shall be deducted from the period during which no residence permit is required.

In the application of the provisions of the second paragraph, periods during which an alien has been resident in Norway within the six months preceding his most recent entry shall be deducted from the period during which no residence permit is required.

The following persons shall be exempt from the obligation to possess a residence permit as provided in the first and second paragraphs:

(a) A national of Denmark, Finland, Iceland or Sweden other than a national who wishes to reside (and if the occasion arises to work) in the countries of Troms or Finnmark;

(b) An alien as referred to in article 7, first paragraph, and article 8, together with his spouse and children, and subordinate members of the staff of a foreign embassy in Norway whose names have been notified through the Ministry of Foreign Affairs;

(c) An alien as referred to in article 9.

Article 41

The Ministry of Foreign Affairs, in consultation with the State Aliens Office, may lay down regulations on reporting and registration in respect of aliens as referred to in article 7, first paragraph, and article 8, and the spouse and children of such aliens, and aliens as referred to in article 46, first paragraph, sub-paragraph (c).
Circular to Customs houses of 29 June, 1959 regarding the accession of Norway to the Agreement on the importation of educational, scientific and cultural materials


Circular to custom-houses.

Agreement on the importation of educational, scientific and cultural materials.

The above-mentioned Agreement was prepared by UNESCO. It was acceded to by Norway on 2 April 1959.

The provisions of the Agreement shall, as prescribed in the Agreement, enter into force in respect of Norway on 2 July 1959; the Ministry of Finance and Customs has decided that the materials referred to in annexes A, B, C, D and E of the Agreement may be imported free of customs duties as from the last-mentioned date until further notice by certain institutions and organizations subject to specified conditions.

The above-mentioned annexes are reproduced below. The names of the institutions and organizations which may import articles duty-free are given under each of the relevant annexes. It should be noted that some of the articles mentioned in the annexes are already free of duty in the customs tariff.

Annex A

Books, Publications and Documents

IX. Catalogues of films, recordings or other visual or auditory material of an educational, scientific or cultural character, being catalogues issued by or on behalf of the United Nations or any of its specialized agencies.

Annex C

Visual and Auditory Material of an Educational, Scientific or Cultural Character

IV. Films, filmstrips, microfilms and sound recordings of an educational, scientific or cultural character produced by the United Nations or any of its specialized agencies.

Pakistan


Whereas it is expedient to give effect to the Convention on the Privileges and Immunities of the United Nations, and to enable similar privileges and immunities to be enjoyed by other international organisations and their representatives and officials;

1 Translation by the Secretariat of the United Nations.
It is hereby enacted as follows: —

Short title
1. This Act may be called the United Nations (Privileges and Immunities) Act, 1948.

Conferment on United Nations and its representatives and officers of certain privileges and immunities
2. (1) Notwithstanding anything to the contrary contained in any other law, the provisions set out in the Schedule to this Act of the Convention on the Privileges and Immunities, adopted by the General Assembly of the United Nations on the 13th day of February 1946, shall have the force of law in Pakistan.

(2) The Central Government may, from time to time, by notification in the official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the said Convention set out therein.

Power to confer certain privileges and immunities on other international organisations and their representatives and officers
3. Where in pursuance of any international agreement, convention or other instrument it is necessary to accord to any international organisation and its representatives and officers privileges and immunities in Pakistan similar to those contained in the provision set out in the Schedule, the Central Government may, by notification in the official Gazette, declare that the provisions set out in the Schedule shall, subject to such modifications, if any, as it may consider necessary or expedient for giving effect to the said agreement, convention or other instrument apply mutatis mutandis to the international organisation specified in the notification and its representatives and officers, and thereupon the said provisions shall apply accordingly and, notwithstanding anything to the contrary contained in any other law, shall in such application have the force of law in Pakistan.

Power to make rules
4. The Central Government may make rules for carrying out the purposes of this Act.

THE SCHEDULE
(The Schedule reproduces the text of the Convention on the Privileges and Immunities of the United Nations. For this text see Second Part of this volume, p. 184).

Peru

Decree No. 69 of 18 February 1954 concerning the Privileges granted by the Government to Foreign Diplomatic and Consular Agents and to Officials of International Organizations and Agencies

PART I. GENERAL PROVISIONS

Article 1. The privileges may be restricted to the extent necessary for the purpose of bringing them into conformity with the rules of strict reciprocity or they may be extended by agreement with other Governments.

1 In a note of 18 May 1959, the Minister of Foreign Affairs of Peru stated that in his country regulations with regard to privileges and immunities were based on the Convention regarding diplomatic officers and the Convention
Article 2. The Ministry of Foreign Affairs has authority to grant or to withhold reciprocity in any case in which reciprocity is relied on for the purpose of claiming privileges other than those referred to in this Decree or more extensive than those recognized herein.

Article 3. In the absence of an agreement of the nature mentioned in article 1, members of the Peruvian diplomatic service who are accredited to foreign Governments shall not ask those Governments for any privileges greater than those granted by Peru to the diplomatic and consular representatives of the Governments in question.

Article 4. For the purpose of ensuring the proper application of this Decree and preventing the improper enjoyment of the privileges for which it provides, every head of mission shall, at the end of the year, communicate to the Ministry of Foreign Affairs a note, bearing his signature, containing the list of the members of the staff of the Embassy or Legation under his authority, with particulars of their rank, and of the consulates which the State represented by him has established in Peru. The same procedure shall be observed in the reporting of subsequent changes in the said list.

An analogous procedure shall be observed by the senior officer in charge of an international organization or agency in respect of the staff thereof who perform functions in Peru.

Article 5. The Ministry of Foreign Affairs shall, in due course, transmit to the Ministry of Finance and Trade a list of the persons to whom, pursuant to this Decree, the exemptions provided for in articles 9 and 10 apply, and notify the said Ministry of any subsequent changes in the said list.

PART IV. INTERNATIONAL ORGANIZATIONS AND AGENCIES

Article 66. For the purposes of this part, the following persons shall be deemed to be entitled to privileges:

(a) The director and deputy director, or officers of equivalent rank, of an international agency's regional headquarters in Peru;

(b) Professional officers below the rank of deputy director and the administrative staff of such headquarters;

(c) Representatives of international organizations and agencies who are accredited in Peru;

(d) Experts of such organizations and agencies who are on technical assistance missions in Peru.

The officers described in paragraphs (a) and (c) are hereinafter called "senior officers".

regarding consular agents, signed in Havana on 20 February 1928, both of which have been ratified by his Government. The text of these conventions has been reproduced in the United Nations Legislative Series, Laws and Regulations regarding Diplomatic and Consular Privileges and Immunities, ST/LEG/SER.B/7, pp. 419-425. At present, provisions in force on the subject are to be found in the Decree No. 69 of 18 February 1954 concerning the privileges granted by the Government to foreign diplomatic and consular agents and to officials of international organizations and agencies. Articles 1-65 of this Decree are reproduced in the above-mentioned volume of the Legislative Series, pp. 228-235. Relevant provisions concerning international organizations are given below.

Translation by the Secretariat of the United Nations.
Article 67. Except as provided in article 82, the privileges specified in this part shall not extend to persons of Peruvian nationality.

TITLE X. CUSTOMS EXEMPTIONS

Article 68. Articles imported by an international agency for its official use shall be exempt from import duties and supplementary charges, but they must not be sold in Peru except in a manner agreed to by the Peruvian Government.

This privilege extends to vehicles imported by such an agency for its official use.

Article 69. The Ministry of Foreign Affairs shall not accept an application for the free entry of articles intended for the official use of an agency if such application has not been approved by the Ministry within whose competence the specific activity of the applicant agency falls.

Article 70. Senior, professional and administrative staff shall be entitled to the benefit of duty-free entry of the luggage and furniture which they bring with them for their installation or which come in as "unaccompanied luggage" within three months after their arrival in the country.

Article 71. The importation of vehicles shall be subject in all cases to appraisal and clearance formalities and, except in the case of a vehicle owned by a senior officer, to the payment of the normal duties.

Article 72. A senior officer shall enjoy the same import privileges as a member of the diplomatic corps, as provided in article 10. The import quotas applicable under article 22 to a Minister Counsellor and Counsellor shall also apply to a director and deputy director, respectively.

A representative of an international agency shall be entitled to the benefit of the import quota assigned to him by the Ministry of Foreign Affairs.

Article 73. An expert on a technical assistance mission shall enjoy the same privileges as a senior officer if the contract entered into between the international agency concerned and the Peruvian Government so provides or if in the judgement of the Ministry of Foreign Affairs such privileges should be extended by way of exception.

For the purposes of any free import privilege that may be extended to an expert, the Ministry of Foreign Affairs shall in each case determine his import quota.

Article 74. At the time of his final departure and for three months after he has ceased to discharge his official responsibilities in Peru, a senior officer or professional or administrative staff member may ship abroad, duty free, luggage and furniture owned by him and the members of his family.

Article 75. The extension of privileges to senior officers, and to professional and administrative staff shall be contingent on the fulfilment of the conditions and formalities laid down in part II for similar situations, it being understood that the relevant application for such privileges must be signed by the senior officer in charge.

TITLE XI. TAX EXEMPTIONS

Article 76. With respect to immovable property used as the headquarters of an international agency, exemptions from the following taxes shall be granted in the cases specified:
(a) 50 per cent of the tax payable by the transferor on the selling price of property, if the transferor is an international agency;
(b) the tax on capital gains from the transfer of immovable property, if the transferor is an international agency;
(c) the registration fee on such a transfer;
(d) the residential property tax, if the immovable property is owned by an international agency.

The exemptions specified above shall not extend to immovable property acquired or leased by a senior officer or by a professional or administrative staff member for his private residence.

**Article 77.** The rules relating to tax privileges enacted in article 37 as applicable to members of the diplomatic corps shall apply to senior officers.

**Article 78.** Other staff members shall be entitled to exemption from the payment of income tax on the emoluments, salaries and allowances received by them in connexion with their posts.

**Title XII. Motor Vehicle Number Plates**

**Article 79.** Vehicles belonging to senior officers or to professional or administrative staff members or to the international agency for its official use shall bear ordinary number plates.

**Article 80.** The provisions of article 45 relating to the issue of ordinary number plates shall apply to senior officers, and also to experts who come within the terms of article 73. The relevant application must be made over the signature of the senior officer in charge.

**Title XIII. Driving Permits**

**Article 81.** The provisions of article 47 shall be applicable to senior officers and their wives.

**Title XIV. Special Identity Papers**

**Article 82.** The Ministry of Foreign Affairs shall issue special identity booklets to senior officers and their wives, and identity cards to other members of their families, as well as to professional and administrative staff members, their wives, unmarried daughters and sons under age who are part of their household and who are not engaged in gainful occupations.

**Part V. Final Provisions**

**Article 83.** The Ministry of Foreign Affairs shall be the authority responsible for interpreting and applying the provisions of this Decree and for introducing the changes called for by future conditions.

**Article 84.** Decrees No. 90 of 16 February 1950 and No. 281 of 12 June 1951, and all other provisions inconsistent with the present Decree are hereby repealed.
Poland

Note. By a note of 3 August 1959, the Permanent Mission of the Polish People's Republic to the United Nations stated that "international organizations and their personnel have the right to privileges and immunities provided in international agreements to which Poland is a party and to privileges and immunities to an extent necessary for the implementation of their functions. Those privileges and immunities are granted by appropriate application of the existing laws and regulations concerning foreign missions in Poland. The laws and regulations in question have been collected and published in the U.N. Legislative Series, Laws and Regulations regarding Diplomatic and Consular Privileges and Immunities, ST/LEG/SER.B/7, pp. 242-279. The volume just mentioned requires, however, some modernization by adding a number of new legal provisions issued in recent years on the subject in question. For this purpose this Mission has the honour to enclose [the following] excerpts containing above mentioned legal provisions":

I. IMMUNITY FROM JURISDICTION AND INVIOABILITY OF THE PERSON AND OF PREMISES

ACT OF 2 DECEMBER 1958 TO AMEND THE ACT OF 15 DECEMBER 1951 CONCERNING PENAL-ADMINISTRATIVE PROCEDURE

(Dziennik Ustaw, 1958, No. 77/396)

(12) In article 19:

(b) There shall be added new paragraphs 3 and 4, reading as follows:

3. No proceedings shall be begun or continued in the following cases:

(1) If the accused dies;

(2) If the period of limitation expires;

(3) If the act is not a punishable offence or is within the exclusive jurisdiction of other bodies;

(4) If by virtue of specific legal provisions or international usage the accused is not subject to penal-administrative jurisdiction; in particular, the following persons shall not be subject to such jurisdiction:

(a) Diplomatic agents of foreign States accredited to Poland;

(b) Members of the diplomatic staff of missions of foreign States;

(c) Members of the families of the persons referred to in (a) and (b) who form part of their household;

(d) Other persons enjoying the right of extraterritoriality by virtue of acts, agreements or established international usage — provided that the provisions concerning the persons referred to above under (a) - (d) shall not be applicable to Polish citizens,

(5) If any other circumstances preclude trial.

1 Translation by the Secretariat of the United Nations.
4. In the cases referred to in paragraph (3) the decision to discontinue proceedings shall be made before the trial by the President of the court or during the trial by the full court.

II. EXEMPTION FROM TAXES, CHARGES AND DUTIES

(a) Act of 13 December 1957 concerning Fiscal Charges

(Dziennik Ustaw, 1958, No. 1/1)

Article 1. 1. Fiscal charges shall be payable in respect of:

(1) Applications together with annexes thereto made to government authorities and administrations, including appeals and other legal remedies provided for in the provisions governing administrative or tax proceedings;

(2) Official acts carried out by government authorities and administrations on the application of interested persons;

(3) Certificates (certifications, attestations, extracts, copies, abstracts and protests in respect of bills of exchange) issued by government authorities and administrations on the application of interested persons;

(4) Permits (concessions, licences, authorizations and approvals) issued by government authorities and administrations on the application of interested persons;

(5) Documents attesting to acts governed by the civil law including: accounts, bills of exchange, transfers, powers of attorney, guarantees, mortgages, transport documents and matrimonial property agreements.

3. The Council of Ministers shall make regulations establishing the items subject to fiscal charges under paragraph 1 and specify the amount payable in each case; it may also grant full or partial exemption from such charges.

Article 3. The Council of Ministers shall make regulations establishing the extent of exemption from fiscal charges to be granted on a basis of reciprocity, to foreign States and diplomatic and consular agents of foreign States accredited to Poland, to persons whose status is assimilated to that of such agents by virtue of legislation, agreements or established international usage and to the staff of diplomatic and consular missions of foreign States and persons assimilated thereto who are not Polish citizens.

Article 12. 2. All provisions concerning exemptions from fiscal charges, with the exception of exemptions deriving from international agreements, shall cease to have effect.

(b) Order of the Council of Ministers of 28 December 1957 specifying the items subject to Fiscal Charges, the Amounts of such Charges and Exemptions (Dziennik Ustaw, 1958, No. 1/3)

Pursuant to article 1, paragraph 3 of the Act of 13 December 1957 concerning fiscal charges (Dziennik Ustaw No. 1/1) the Council of Ministers hereby orders as follows:
SECTION I
Applications and annexes thereto

Article 1. 1.

(4) For an application for a permit for an occasional entertainment or theatrical performance: 50 zloty.

(7) For an application for a permit to put a steamdriver or hoisting device into operation: 100 zloty.

(9) For applications not mentioned in the foregoing paragraphs or for an application for lump-sum tax assessment (charge for tax form): 10 zloty.

Article 2. 3. Subject to reciprocity, foreign States, diplomatic and consular agents of foreign States accredited to Poland, other persons whose status is assimilated to that of such agents by virtue of legislation, agreements or established international usage and the staff of diplomatic and consular missions and persons assimilated thereto who are not Polish citizens shall be exempted from the fiscal charges in respect of the applications and annexes thereto referred to in article 1, paragraph 1 (4), (7) and (9).

SECTION II
Official acts

Article 3. 1. Fiscal charges for official acts performed by public registries or praeidiums of people's councils shall be as follows:

(3) For the preparation of a marriage certificate: 100 zloty.

(4) For the preparation of a record of a marriage which was not contracted at the registry office: 50 zloty.

Article 4. Fiscal charges for information regarding addresses shall be as follows:

(1) For information obtained from the central address office of the central command of the civil militia: 10 zloty.

(2) For information obtained from district (municipal, sub-district) commands of the civil militia or civil militia commands of towns detached from provinces: 5 zloty.

Article 5. 1. Fiscal charges for activities relating to the examination of building plans other than those based on a standard model (mass construction) or installation plans for new construction or alterations in planned or existing structures and installations, shall be as follows:
(1) For single-family and farm buildings, irrespective of the number of pages of the plan containing drawings, estimates or a description:

(a) For one residential building or one unit of a semi-detached house or terrace house containing not more than 3 rooms: 200 zloty.

(b) For one residential building or one unit of a semi-detached house or a terrace house containing more than 3 rooms: 350 zloty.

(c) For one farm building: 100 zloty.

(2) For other buildings and installations — for each page of a plan containing drawings, estimates or a description: 50 zloty.

(3) For visiting sites and verifying the location or condition of buildings or installations: 150 zloty.

2. Where a plan is approved for multiple application or is based on a standard model (mass construction) the fiscal charge shall be levied only for visiting the site and checking the location or condition of the building or installation. Where such a plan relates to a semi-detached or terrace house based on a standard model (mass housing) the fiscal charge for the visit to the site and the checking of the location or condition of the building or installation shall be payable separately for each unit.

3. Where a plan is not based on a standard model (mass construction) established by the competent government authorities but relates to the construction of identical buildings or installations on a specifically defined area, a fiscal charge shall be payable separately for visiting the site and checking the location (paragraph 1 (3)) of each unit and also for the examination of the plan for one building or installation in accordance with the rates established in paragraph 1 (1) or (2).

4. Fiscal charges for other official acts relating to buildings shall be as follows:

(1) For a survey of a projected building, on the basis of a duly submitted map of the site and a drawing, together with a visit to the site to check the location, unless plans for the work are required to be submitted and a permit is required for their execution:

(a) For each residential building: 200 zloty.

(b) For each farm building: 100 zloty.

(c) For each installation or enclosure: 50 zloty.

(2) For a survey of the execution of work, the plan for which has been filed and, if necessary, a visit to the site unless plans for the work are required to be submitted and a permit is required for their execution: 50 zloty.

(3) For a visit to the site and an inspection of the condition of a building or part of a building with a view to the issue of an occupancy permit or a certificate regarding the physical condition of the building:

(a) For individual lodgings: 50 zloty.

(b) For single-family dwellings: 150 zloty.

(c) For each multi-family dwelling or other building of a general or industrial character: 200 zloty.

(4) For the inspection of buildings or installations of a permanent nature scheduled for demolition, with a visit to the site if necessary:

(a) When inspection of a programme of work is required: 150 zloty.

(b) When no inspection of the programme of work is required: 50 zloty.

(c) For binding and issuing one copy of the Dziennik Budowy (Building Journal): 50 zloty.
5. Official acts performed in connexion with the approval of industrial installations, if distinct from acts performed in connexion with the examination of building plans or parts of such plans and the issue of building permits, shall be subject to the fiscal charges provided for in paragraphs 1 and 4.

Article 6. Subject to reciprocity, the foreign States and persons referred to in article 2, paragraph 3, shall be exempted from fiscal charges for the official acts referred to in article 3, paragraph 1 (3) and (4) and articles 4 and 5.

SECTION III

Certificates

Article 7. 1. Fiscal charges for certificates issued by civil registries shall be as follows:

(1) For extracts from civil registration records:
   (a) An extract or abstract: 10 złoty.
   (b) A summary: 15 złoty.
   (c) A verbatim copy: 30 złoty.

Article 9. Fiscal charges for certificates in building matters shall be as follows:

(1) For certification that a design conforms to the approved plan — per page: 15 złoty.
(2) For certification that projected construction investments conform to the plan for space utilization: 50 złoty.
(3) For descriptions of immovable properties (situation, area, boundaries), for providing particulars regarding the site for plumbing installations or for designating the building line or the pavement level: 50 złoty.

Article 10. 1. Fiscal charges for the notarization of a document, certification of signature or tax clearance shall be as follows:

(1) For the notarization of documents:
   (a) For the first notarization: 20 złoty.
   (b) For additional notarizations: 10 złoty.
(2) For certifying a signature: 10 złoty.
(3) For a tax clearance exemption issued to persons permanently leaving Polish territory: 50 złoty.

2. Fiscal charges for duplicates or certificates of accuracy of copies or abstracts shall be as follows:

(1) For duplicates (reproductions) of public documents prepared by government authorities or administrations, copies and abstracts prepared and certified to conform to the original by such bodies or by courts or notaries, or extracts of notarial instruments — for each full or partial page: 15 złoty.
   For a duplicate copy or extract written in a foreign language: 20 złoty.
(2) For certification by a government authority or administration, court
or notary that a duplicate, copy or abstract prepared unofficially (by the applicant) conforms to the original — for each full or partial page: 8 zloty.

For a duplicate, copy or extract written in a foreign language: 12 zloty.

(3) For a certification by a sworn translator that a copy of a translation or of a document written in a foreign language is accurate — for each full or partial page of the copy prepared by the translator: 17 zloty.

(4) For a certification by a sworn translator that a copy of a translation or of a document written in a foreign language is accurate — for each full or partial page of the copy prepared unofficially (by the applicant): 12 zloty.

(5) For duplicates, copies or abstracts of official records, prepared and certified to conform to the original by the State archives — for each full or partial page: 20 zloty.

(6) For certification by the State archives that duplicates, copies or abstracts of instruments in the archives, prepared by the applicant, conform to the original — for each full or partial page: 10 zloty.

(7) For certification by the State archives that a copy of a plan or map was made by the applicant from a specimen copy kept in the archives — for each full or partial sheet of plan or map: 10 zloty.

(8) For certification by the State archives that a photograph was made by the applicant from a document or an article kept in the archives — for each print: 10 zloty.

3. If the fiscal charge payable for an original certificate is less than that provided for in paragraph 2 for a duplicate, copy or extract, the fiscal charge for the duplicate, copy or extract shall be that applicable to the original.


Article 13. The fiscal charge for confirmation of the receipt of an application shall be: 2 zloty.

Article 14. The fiscal charge for a certificate not mentioned in the foregoing articles shall be: 10 zloty.

Article 15. 1.

2. Subject to reciprocity, the certificates referred to in article 7, paragraph 1 (1), articles 9, 10, 13 and 14, shall be exempted from fiscal charges when they are issued to foreign governments or to persons referred to in article 2, paragraph 3.

SECTION IV

Permits

Article 17. Fiscal charges for permits issued on the application of interested persons shall be as follows:

(1) For a licence to marry in a registry office in a district where neither of the applicants resides: 100 zloty.
For authorization to record in a civil register in Poland an instrument drawn up abroad, but not recorded at a Polish consular (or diplomatic) establishment: 50 zloty.

For authorization to obtain an extract from a civil register, a certificate attesting that an entry has been made in the register, or a certificate attesting that an entry is not contained in a register or that the register has been lost or destroyed: 20 zloty.

For an order (authorization) for the preparation of a record of a birth, marriage or death which took place abroad and was not recorded in a foreign civil registry: 30 zloty.

For authorization to correct an obvious clerical error in a civil registration entry which was caused by the fault of the person concerned: 10 zloty.

Article 22. The fiscal charge for permission to acquire immovable property shall be as follows:

(1) For acquisition by a foreign citizen — 1 per cent of the minimum purchase price shown in the authorization, but not more than: 2,000 zloty.

Article 23. 1. The fiscal charge for a housing assignment order shall be as follows:

(1) For residential quarters:
   (a) Of not more than two rooms: 50 zloty.
   (b) Of more than two rooms: 100 zloty.

(2) For commercial premises — per square metre of area: 5 zloty, but not less than 100 zloty.

2. Documents authorizing the use of residential premises other than those issued by housing authorities shall be assimilated to housing assignment orders.

3. The fiscal charge provided for in paragraph 1 (1) shall be reduced by one half if the housing assignment order is issued to an employed person, a student, a person receiving social security payments, a disabled ex-service-man or a blind person.

4. Housing assignment orders issued for temporary premises shall not be subject to fiscal charges.

Articles 24. Fiscal charges for permits relating to construction shall be as follows:

(1) For a building permit: 50 zloty.
(2) For a demolition permit: 50 zloty.
(3) For the extension of the period of validity of the permits referred to in (1) and (2): 25 zloty.
(4) For an occupancy permit for a building or part of a building:
   (a) For each living unit: 20 zloty.
   (b) For a single-family dwelling: 50 zloty.
   (c) For other buildings: 200 zloty.
(5) For authorization to make copies of building plans or maps: 20 zloty.
2. Permits issued on the applications referred to in article 2, paragraph 1 (13) shall be exempted from fiscal charges.

**Article 25.** 1. The fiscal charge for an arms permit shall be, annually: 100 zloty.

2. The fiscal charge for an arms permit issued for a period not exceeding six months shall be one half the amount indicated above.

3. Permits for arms for official use or for the protection of State property shall be exempt from fiscal charges.

**Article 26.** 1. The fiscal charge for a bicycle permit or a motor vehicle driving licence shall be as follows:
   
   (1) For a bicycle permit:
   
   (a) For employees and students: 19 zloty.
   
   (b) For other persons: 20 zloty.
   
   (2) For a motor vehicle driving permit: 30 zloty.
   
   (3) For a learner's motor vehicle driving permit: 10 zloty.

4. The fiscal charge for an occasional event or spectacle (such as an entertainment, show, theatrical and musical production or sports contest or exhibition) shall be as follows:
   
   (1) In localities with fewer than 10,000 inhabitants: 50 zloty.
   
   (2) In other localities: 100 zloty.

   Where a permit is not required under the provisions in force the fiscal charge shall be payable on the basis of the relevant declaration.

**Article 27.** The fiscal charge for a permit to put a steam boiler, a pressure tank or a hoisting device into operation, shall be: 150 zloty.

**Article 28.** 1. The fiscal charge for a licence to operate a cinema shall be as follows:
   
   (1) If permanently installed:
   
   (a) In a provincial capital or a town detached from a province: 1,500 zloty.
   
   (b) In a district capital or a town constituting a district: 1,000 zloty.
   
   (c) In other localities: 700 zloty.

   4. The fiscal charge for a permit for an occasional event or spectacle (such as an entertainment, show, theatrical and musical production or sports contest or exhibition) shall be as follows:

   (1) In localities with fewer than 10,000 inhabitants: 50 zloty.
   
   (2) In other localities: 100 zloty.

**Article 33.** 1. The fiscal charge for any permit not enumerated in the foregoing paragraphs shall be: 20 zloty.

2. The fiscal charge for an extension of the period of validity of a permit, if not specified in the foregoing paragraphs, shall be that payable for the permit.

**Article 34.** 1.
(3) Subject to reciprocity, foreign States and the persons referred to in article 2, paragraph 3, in respect of the permits referred to in articles 17, 22 (1), 23-24, 25, paragraphs 1 and 2, article 26, paragraph 1, articles 27, 28, paragraphs 1 (1) and 4 and article 33.

SECTION V

Documents attesting to civil juridical acts

Article 41. 8.

(8) Subject to reciprocity, tickets for the sea or air passage of diplomatic and consular agents of foreign States and other persons whose status is assimilated to that of such agents by virtue of legislation, agreements or established international usage. The staff of diplomatic and consular missions of foreign States and persons assimilated thereto who are not Polish citizens shall be granted the same exemption.

(c) ORDER OF THE MINISTER OF FOREIGN TRADE OF 11 APRIL 1959 CONCERNING EXPORT DUTIES AND EXPORT LICENCES

(Dziennik Ustaw, 1959, No. 29/177)

Article 1. The export customs tariff annexed to this Order is hereby established.

Article 2. 1. The goods enumerated in the export customs tariff may be exported subject to payment of the corresponding export duty and the conditions specified in the export customs tariff or in provisions concerning the protection of treasure, public health, animal and plant health, currency regulations and the like.

Article 5. 1. The customs authorities shall exempt from export duty the following goods carried or sent abroad:

(1) The goods defined in article 22, paragraph 1 (1-4) of the Customs Act, the destination of which has been duly established as justifying exemption:

(2) Other goods in the cases established by the Minister of Foreign Trade.

2. The full or partial exemption of goods from export duty shall constitute authorization for the export thereof.

(d) ORDER OF THE MINISTER OF FOREIGN TRADE OF 11 APRIL 1959 CONCERNING THE EXEMPTION FROM CUSTOMS DUTIES OF ARTICLES AND GOODS IMPORTED AND EXPORTED OTHERWISE THAN IN A PLANNED TRADE PROGRAMME (Monitor Polski, 1959, No. 41/190)

1. GENERAL PROVISIONS

Article 1. Customs offices shall be empowered to grant exemptions from customs duties under this Order save in cases which may be dealt with only by the Central Customs Office.
Article 2. Goods crossing the frontier must be declared to the customs authority; the declaration may be made orally save where this Order requires a written declaration. The form of the written declaration shall be established by the Central Customs Office.

Article 3. Exemption from customs duties granted under this Order shall not affect the obligation to comply with the requirements of provisions relating to the protection of treasure, public health, animal and plant health, currency regulations, highway regulations and the like.

Article 4. The provisions of this Order shall be without prejudice to specific provisions relating to the customs clearance of goods intended for the official use of diplomatic missions and consular offices or international agencies enjoying diplomatic privileges by virtue of legislation, agreements or established international usage or of goods belonging to or intended for the staff of such missions, establishments or institutions.

III. EXEMPTIONS FROM PROVISIONS CONCERNING GOVERNMENT CONTROL OF PREMISES

Housing Act of 30 January 1959 (Dziennik Ustaw, 1959, No. 10/59)

Article 1. The purpose of this Act is to regulate the use of residential and commercial premises in a manner that will best meet the housing needs of the population and ensure protection and proper maintenance of residential and commercial premises.

Article 28. Provincial people's councils in towns, settlements and localities, and people's councils of towns detached from provinces may place the housing in their respective areas under public control. The decision to place housing under public control shall be published in the official gazette of the provincial people's council (or people's council of a town detached from a province) and shall enter into effect on the date of publication.

Article 30. 1. The following premises shall not be subject to public control:

2. Buildings and premises occupied by diplomatic missions of foreign States, the heads and foreign staff of such missions and other persons and international agencies enjoying diplomatic privileges by virtue of legislation, agreements, or established international usage, as well as consular offices of foreign States or the heads and staff of such offices who are citizens of the sending State; the conditions governing the occupation of buildings and premises by the aforementioned persons and institutions shall be established by the Minister of Communal Economy in agreement with the Minister of Foreign Affairs.
IV. PROVISIONS RELATING TO MOTOR VEHICLES

Order of the Council of Ministers of 16 April 1957 Amending the Order of 20 August 1955 Concerning the Use of Certain Motor Vehicles (Dziennik Ustaw, 1957, No. 21/104)

1. Article 1 shall read as follows:

"Article 1. Trucks, saddle tractors, cab tractors and trailers may be used by individuals and non-socialized undertakings if:

(1) They are intended and duly licensed to provide public transport;

(2) The presidium of the provincial people's council (or the people's council of a town detached from a province) finds that such vehicles are needed in connexion with the economic or professional activity of the owner."

V. PLANT PROTECTION CONTROL

Order of the Minister of Agriculture of 28 March 1959 Concerning Quarantine of Imported Plants (Dziennik Ustaw, 1959, No. 28/171)

Article 4. 1. The following materials, when imported into or carried in transit through Poland shall be subject to plant protection control to ensure that they are free from disease, vermin, and weeds:

(1) Plants of all kinds, including fodder imported into or carried in transit through Poland,

(2) Plant products,

(3) Litter used in connexion with the import and transit shipment of animals,

(4) Packing of plants and plant products.

In the case of passenger traffic (by rail, automobile, air or sea or on foot), however, plant protection control shall be left to the discretion of the competent authorities.

2. Transport used for the import of the plants, products and materials referred to in paragraph 1 shall also be subject to plant protection control.

3. In addition, any consignment or means of transport suspected of contamination by disease, vermin or weeds, as well as packing of vegetable origin used for goods of non-vegetable origin, may be required to undergo plant protection control.

4. Consignments, baggage and articles belonging to persons changing their place of duty who enjoy diplomatic privileges and immunities and whose belongings are exempted from customs examination under the provisions of customs legislation or international agreements and usage shall not be subject to plant protection control.
Suisse

(a) DÉCISION DU CONSEIL FÉDÉRAL SUISSE CONCERNANT L'OCTROI DES PRIVILÈGES ET IMMUNITÉS DIPLOMATIQUES À CERTAINSfonctionnaires de rang élevé de l'Office européen des Nations Unies, 30 décembre 1947

Le Conseil fédéral suisse décide qu'à partir du 1er janvier 1948, les privilèges et immunités accordés aux collaborateurs diplomatiques des chefs de mission accrédités auprès de la Confédération suisse seront également accordés à certains fonctionnaires de rang élevé de l'Office européen des Nations Unies.

En proportion avec l'effectif actuel des fonctionnaires des Nations Unies à Genève, le nombre des bénéficiaires de cette décision ne devra pas dépasser 35.

Le Directeur de l'Office européen des Nations Unies établira une liste des fonctionnaires de rang élevé entrant en ligne de compte et la soumettra au Département politique. La même procédure vaudra pour les désignations ultérieures.

Les hauts fonctionnaires mis au bénéfice de la Section 16 de l'Arrangement provisoire 1 du 19 avril 1946 ne seront pas compris dans cette liste, étant donné qu'ils jouissent déjà des mêmes privilèges et immunités que les chefs de mission diplomatique accrédités auprès de la Confédération suisse.

(b) DÉCISION DU CONSEIL FÉDÉRAL SUISSE CONCERNANT LE STATUT JURIDIQUE DES DÉLÉGATIONS PERMANENTES AUPRÈS DE L'OFFICE EUROPÉEN DES NATIONS UNIES AINSI QUE D'AUTRES ORGANISATIONS INTERNATIONALES AYANT LEUR SIÈGE EN SUISSE, 31 MARS 1948

1. Les délégations permanentes d'États Membres bénéficient, comme telles, de facilités analogues à celles qui sont accordées aux missions diplomatiques à Berne.

Elles ont le droit d'user de chiffres dans leurs communications officielles et de recevoir ou d'envoyer des documents par leurs propres courriers diplomatiques.

2. Les chefs de délégations permanentes bénéficient de privilèges et immunités analogues à ceux qui sont accordés aux chefs de missions diplomatiques à Berne, à condition toutefois qu'ils aient un titre équivalent.

3. Tous les autres membres des délégations permanentes bénéficient, à rang égal, de privilèges et immunités analogues à ceux qui sont accordés au personnel des missions diplomatiques à Berne.

4. La création d'une délégation permanente, les arrivées et les départs des membres des délégations permanentes sont annoncés au Département politique par la mission diplomatique à Berne de l'État intéressé. Le Département politique délivre aux membres des délégations une carte de légitimation attestant les privilèges et immunités dont ils bénéficient en Suisse.

1 Pour cet arrangement signé à Berne le 11 juin 1946 et à New York le 1er juillet 1946 voir la Deuxième Partie du présent Volume, p. 196.
(c) Décision du Conseil fédéral suisse concernant les privilèges et immunités de la Cour internationale de justice en Suisse, 30 avril 1948

a) Les recommandations formulées le 11 décembre 1946 par l'Assemblée générale des Nations Unies au sujet des privilèges et immunités de la Cour internationale de Justice sont désormais applicables en Suisse;

b) Le Département politique est chargé d'en informer la Cour internationale de Justice.

d) Règlement douanier du 23 avril 1952

correspondant l'Organisation des Nations Unies et les institutions spécialisées qui y sont reliées; le personnel desdites organisations; les membres des conseils d'administration, conseils exécutifs, etc., desdites organisations; les représentations des États Membres et leurs agents délégués en mission temporaire auprès desdites organisations; les représentations des États Membres et leurs agents délégués à titre permanent auprès desdites organisations; la Commission intermédiaire de l'Organisation internationale du commerce; les juges et les fonctionnaires de la Cour internationale de Justice.

LE CONSEIL FÉDÉRAL SUISSE

Vu:


2. L'accord avec l'Organisation internationale du Travail pour régler le statut juridique de cette organisation en Suisse, du 11 mars 1946, ainsi que l'arrangement d'exécution de cet accord, du 11 mars 1946;

3. L'accord avec l'Organisation mondiale de la santé pour régler le statut juridique de cette organisation en Suisse, du 17 juillet 1948, ainsi que l'arrangement d'exécution dudit accord, du 17 juillet 1948;

4. L'accord avec l'Organisation internationale pour les réfugiés pour régler le statut juridique de cette organisation en Suisse, du 15 septembre 1948, ainsi que l'arrangement d'exécution dudit accord, du 15 septembre 1948;

5. La décision du Conseil fédéral du 3 février 1948 relative aux facilités accordées à l'Union internationale des télécommunications et à l'Union postale universelle, en tant qu'institutions spécialisées des Nations Unies;

6. La décision du Conseil fédéral du 11 juillet 1947 sur les immunités et privilèges à accorder aux institutions spécialisées des Nations Unies n'ayant pas leur siège en Suisse, ainsi qu'à leur personnel, à l'occasion de conférences ou de missions temporaires en Suisse;

7. Les décisions du Conseil fédéral sur les immunités et privilèges à accorder à la Commission intermédiaire de l'organisation internationale du commerce, aux juges et aux fonctionnaires de la Cour internationale de Justice et aux délégations permanentes d'États membres auprès de l'office européen des Nations Unies et d'autres organisations internationales ayant leur siège en Suisse;

1 Résolutions adoptées par l'Assemblée générale pendant la seconde partie de sa première session du 23 octobre au 15 décembre 1946, A/64/Add. 1, p. 176.
8. L'accord sur le statut juridique en Suisse de la Banque internationale pour la reconstruction et le développement, du 29 juin 1951.

En application des clauses de ces accords et décisions relatives à la franchise douanière et aux facilités douanières et en vue d'unifier le régime des privilèges douaniers qui résultent de ces accords et décisions,

Arrête les dispositions ci-après :

A. ORGANES DES NATIONS UNIES ET INSTITUTIONS SPÉCIALISÉES, AVANT LEUR SIÈGE EN SUISSE

CHAPITRE PREMIER. ENVOIS DESTINÉS AUX ORGANISATIONS

Article premier

Etendue de la franchise
1. Sont admis en franchise tous les objets destinés à l'usage exclusif des organisations internationales.

L'importation des véhicules à moteur est soumise aux dispositions du chapitre X.

2. Les objets admis en franchise ne peuvent être aliénés dans le délai de cinq ans à compter de l'admission en franchise sans que les droits de douane et autres taxes dus à l'importation soient acquittés au préalable.

Article 2

Procédure
Dispositions générales

Les envois doivent être adressés à l'une des organisations internationales ou à un de leurs services spéciaux (secrétariat, bibliothèque, économat, etc.) auxquels ces envois sont destinés.

Article 3

Envois arrivant par chemin de fer, par route ou par avion

1. Sous réserve du chiffre 3 ci-dessous, les envois sont dirigés sur le bureau de douane le plus proche du siège de l'organisation destinataire. Celui-ci informe l'organisation destinataire de l'arrivée de l'envoi, par la remise d'une formule de déclaration spéciale de dédouanement.

2. Dans cette formule, l'organisation intéressée indique la nature et atteste la destination officielle de l'envoi. La formule, munie de la signature du chef de l'organisation ou de son représentant autorisé, est renvoyée au bureau de douane, qui procède à l'admission en franchise.

3. Pour les envois arrivant à la frontière, mais avec une autre destination que le siège de l'organisation intéressée, celle-ci peut, en mentionnant le bureau de douane d'entrée, envoyer d'avance la formule de déclaration à la direction des douanes compétente (v. Annexe 1), qui la transmet au bureau de douane en cause. Dans ce cas, le dédouanement en franchise est effectué par le bureau d'entrée. Si cette déclaration fait défaut, il est procédé à l'acquittement provisoire de l'envoi, en laissant le soin à l'organisation destinataire de demander ultérieurement l'admission en franchise à la direction des douanes compétente dans le délai prévu au règlement d'exécution de la loi sur les douanes et conformément au chiffre 2 ci-dessus.
4. Dans le trafic par route et par avion, les envois destinés aux organisations internationales à Genève sont libérés directement par les bureaux du VIe arrondissement des douanes, contre remise de ladite formule.

**Article 4**

**Envois postaux**

Les envois postaux doivent porter l’adresse de l’organisation internationale ou celle de ses services auxquels ils sont destinés. Les envois sont dirigés sur le bureau de douane-poste le plus proche du siège de l’Organisation destinataire. Le bureau de douane remet l’envoi, accompagné de la formule de déclaration mentionnée à l’article 3, alinéa 1, à la poste, pour livraison. Le service postal fait remplir et signer cette déclaration par le chef de l’organisation internationale ou son représentant autorisé, délivre le colis et renvoie la formule de déclaration au bureau de douane-poste.

**Article 5**

**Imprimés**

Les envois d’imprimés, de livres et de publications, expédiés par colis postaux ou fret aérien, adressés aux organisations internationales et destinés à leur usage exclusif, sont remis, sans formalités douanières, aux destinataires par l’entremise du bureau de douane compétent.

**Article 6**

**Envois sortant d’entrepôts fédéraux ou de ports francs**

1. Les marchandises importées d’entrepôts fédéraux ou de ports francs en Suisse sont soumises aux dispositions spécifiées à l’article 3.

2. Les envois destinés aux organisations internationales à Genève, sortant d’un port franc de cette ville, sont admis en franchise par le bureau de douane, sur présentation de la formule de déclaration spéciale dûment signée.

**Chapitre II. Envois destinés au haut personnel directeur et à certains fonctionnaires supérieurs**

**Article 7**

**Etendue de la franchise**

1. Le haut personnel directeur a droit à l’admission en franchise de toutes marchandises importées de l’étranger et destinées à son usage exclusif ou à celui du conjoint ou des enfants mineurs vivant avec lui.

2. Les fonctionnaires supérieurs désignés par l’organisation à laquelle ils appartiennent conformément aux conditions établies d’entente avec le Conseil fédéral ont droit à l’admission en franchise:

   a) Du mobilier, neuf ou usagé, destiné à leur usage personnel, étant entendu que cette facilité ne peut être exercée qu’une seule fois;

   b) De tous autres objets, non mentionnés sous lettre a) ci-dessus, destinés à leur usage exclusif ou à celui de leurs conjoints ou enfants mineurs vivant avec eux.

   L’importation des véhicules à moteur est soumise aux dispositions du chapitre X.

3. L’importation en franchise de mobilier est soumise à la condition que l’ayant droit soit domicilié en Suisse.
Article 8

Procédure

1. Les articles 3, 4 et 6 sont applicables aux envois adressés à ces personnes, en tant que les prescriptions qui suivent ne dérogent pas à la procédure qu'ils établissent:

   a) Les envois doivent être adressés, d'une manière très lisible, aux ayants droit eux-mêmes, qui signent personnellement la déclaration spéciale de dédouanement;

   b) Les formules de déclaration établies pour des envois adressés aux fonctionnaires supérieurs au bénéfice de la franchise sont signées par le destinataire et visées par son chef ou son représentant autorisé;

   c) Les fonctionnaires supérieurs revendiquant le droit à l’importation en franchise d’objets de première installation doivent présenter au bureau de douane:

    1) Une liste exacte des objets à importer, signée par l’importateur et visée par le chef de l’organisation ou son représentant autorisé;

    2) Une déclaration, sur formule spéciale, signée par l’ayant droit et visée par le chef de l’organisation ou son représentant autorisé, par laquelle l’importateur du mobilier s’engage à se servir des objets personnellement ou dans son propre logement en Suisse, et à ne ni les céder, ni à titre gratuit ni à titre onéreux, avant cinq ans à partir de l’admission en franchise, sans avoir acquitté les droits de douane.

   L’admission en franchise sera accordée dès que la vérification douanière aura permis de constater la concordance de l’envoi avec les pièces justificatives présentées.


2. Les envois arrivant à l’adresse des ayants droit, mais avec une autre destination que celle de leur domicile habituel, sont acquittés provisoirement par le bureau de douane d’entrée, en laissant le soin aux destinataires de demander ultérieurement l’admission en franchise, à la direction des douanes compétente, dans le délai prévu au règlement d’exécution de la loi sur les douanes.

Article 9

Trafic des voyageurs

1. Dans le trafic des voyageurs, les privilèges prévus à l’article 7 sont accordés, sans formalités, au haut personnel directeur seulement.

2. Les marchandises passibles de droits, importées par les fonctionnaires supérieurs dans le trafic des voyageurs, sont dédouanées provisoirement ou en transit. Les droits de douane et autres redevances doivent être garantis suivant les dispositions générales de la loi sur les douanes. La franchise sera accordée dès que l’ayant droit aura remis, au bureau de douane compétent, la formule spéciale de dédouanement.

3. Les membres de la famille des personnes mentionnées à l’article 7 ne bénéficient du même traitement que ces dernières que lorsqu’ils voyagent avec elles. S’ils voyagent seuls, la vérification de leurs bagages personnels est réduite au strict minimum.
4. L'octroi des facilités précitées est subordonné à la présentation de la carte de légitimation délivrée par le département politique fédéral.

**CHAPITRE III. MOBILIER ET OBJETS DE PREMIÈRE INSTALLATION DESTINÉS AUX AUTRES FONCTIONNAIRES**

**Article 10**

*Étendue de la franchise*

1. Sous réserve de l’article 13, les fonctionnaires de nationalité étrangère qui ne sont pas mentionnés à l’article 7 ont, lorsqu’ils sont domiciliés en Suisse, droit à la franchise douanière pour les objets neufs ou usagés, les denrées alimentaires et les boissons qu’ils importent à l’occasion de leur première installation ou lors de leur retour en Suisse après une absence minimum de trois ans. L’admission en franchise est cependant limitée aux quantités ne dépassant pas les besoins normaux du fonctionnaire et des membres de sa famille (conjoint et enfants mineurs) vivant à sa charge.

L’importation des automobiles de tourisme et des motocyclettes est soumise aux dispositions du chapitre X.

2. En cas de transfert d’un fonctionnaire, cette période de trois ans peut être réduite, à la requête de l’organisation intéressée, adressée à la direction des douanes compétente.

**Article 11**

*Procédure*

1. La franchise douanière pour effets de première installation doit être demandée par l’ayant droit, par l’intermédiaire de l’organisation à laquelle il appartient, dans le délai fixé par celle-ci pour accorder le remboursement des frais de déménagement. L’importation devra intervenir dans ce même délai.


3. La demande d’admission en franchise doit être adressée à la direction des douanes compétente et accompagnée des pièces justificatives suivantes:

   a) Une liste exacte des objets à importer, signée par l’importateur et visée par le chef de l’organisation ou son représentant autorisé,

   b) Une déclaration sur formule spéciale, signée par l’ayant droit et visée par le chef de l’organisation ou son représentant autorisé, par laquelle l’importateur du mobilier s’engage à se servir des objets personnellement ou dans son propre logement en Suisse, et à ne les céder, ni à titre gratuit ni à titre onéreux, avant cinq ans à partir de l’admission en franchise, sans avoir acquitté les droits de douane.

4. L’admission en franchise est accordée dès que la vérification douanière a permis de constater la concordance de l’envoi avec les pièces justificatives présentées.

5. Au cas où la vérification du chargement serait demandée au domicile du destinataire, les opérations y relatives donneront lieu à la perception des taxes spéciales prévues pour les vérifications en dehors de l’emplacement officiel (article 45 du règlement d’exécution de la loi sur les douanes).
CHAPITRE IV. DISPOSITIONS SPÉCIALES

Article 12

Aliénation d'objets de première installation

1. Les objets admis en franchise au titre d'effets de première installation sur la base des articles 7 et 10 peuvent être cédés avant l'expiration du délai de cinq ans, moyennant une autorisation de la direction des douanes compétente, sans paiement des droits de douane :
   a) Au haut personnel directeur désigné à l'article 7, aux conditions prévues à l'article 8 ;
   b) Aux fonctionnaires supérieurs désignés à l'article 7, aux fonctionnaires mentionnés à l'article 10, ainsi qu'à tous autres bénéficiaires de privilèges douaniers, à condition qu'ils soient en droit de revendiquer l'admission en franchise d'effets de premier établissement et qu'ils endossent les obligations du cédant.

2. En cas d'aliénation à d'autres personnes avant l'expiration du délai de cinq ans, la direction des douanes compétente peut, en raison de circonstances spéciales, accorder des allègements.

Article 13

Personnes engagées à titre temporaire

Les personnes engagées à titre temporaire sont, si elles sont maintenues en service après une période de six mois, assimilées au personnel régulier en ce qui concerne l'application du présent règlement. Durant les premiers six mois qui suivent leur entrée en fonctions, elles ne peuvent importer en franchise que leur mobilier usagé conformément aux dispositions générales de la loi sur les douanes. Si elles désirent toutefois faire venir en même temps des objets neufs, les droits perçus sur ces derniers ne sont acquittés que provisoirement ; à l'expiration du délai de six mois ci-dessus, ces droits sont remboursés aux intéressés, sur demande adressée à la direction des douanes compétente.

CHAPITRE V. PERSONNES DOMICILIÉES À L'ÉTRANGER, CHARGEÉES D'UNE MISSION TEMPORAIRE EN SUISSE

Article 14

Bagages personnels

Les experts et autres personnes chargés d'une mission temporaire en Suisse par les organisations internationales ont droit, s'ils sont porteurs du certificat des Nations Unies ou d'un certificat analogue, à une vérification de leurs bagages personnels réduite au strict minimum. Lorsqu'ils ont un rang équivalent à celui de chef de mission diplomatique (ambassadeur, ministre ou chargé d'affaires), ils ont droit à la franchise douanière pour les objets importés dans leurs bagages personnels.

CHAPITRE VI. RÉPRESENTATIONS DES ÉTATS MEMBRES, DÉLÉGUÉES À TITRE PERMANENT

Article 15

Représentations permanentes

1. Les représentations des États membres, déléguées à titre permanent, ont droit à l'admission en franchise de tous objets destinés à leur usage officiel et appartenant aux gouvernements qu'elles représentent.
L’importation des véhicules à moteur est soumise aux dispositions du chapitre X.

2. Les objets admis en franchise ne peuvent être aliénés sans que les droits de douane et autres taxes dus à l’importation soient acquittés au préalable.

**Article 16**

**Chefs de délégations et délégués**

1. Les chefs de délégations qui ont un titre équivalent à celui de chef de mission diplomatique et sont titulaires d’une carte de légitimation délivrée par le département politique fédéral bénéficient des facilités accordées au haut personnel directeur des organisations (articles 7 et 27).

2. Les chefs de délégations et les délégués qui ont un titre équivalent à ceux des membres d’une mission diplomatique et sont titulaires d’une carte de légitimation délivrée par le département politique fédéral, bénéficient des facilités accordées aux fonctionnaires supérieurs des organisations (articles 7 et 27).

3. L’octroi des facilités mentionnées aux chiffres 1 et 2 ci-dessus est subordonné à l’observation des conditions prévues dans le présent règlement.

4. Les membres de délégations permanentes exerçant en Suisse une activité lucrative ne bénéficient pas des dispositions du présent règlement.

**Article 17**

**Personnel technique et auxiliaire**

Les autres membres des délégations bénéficient, en tant que détenteurs d’une carte de légitimation délivrée par le département politique fédéral, des facilités prévues aux articles 10 et 28.

**Article 18**

**Liste des membres de délégations**

D’entente avec les représentations diplomatiques intéressées à Berne, le département politique fédéral établit la liste du personnel des délégations et renseigne immédiatement la direction générale des douanes.

**Chapitre VII. Représentations non permanentes des États Membres; membres des conseils d’administration, conseils exécutifs, etc., des organisations, domiciliés à l’étranger**

**Article 19**

**Envois personnels**

1. Les membres de délégations non permanentes (délégués, délégués adjoints, conseillers, experts techniques et secrétaires), envoyés par leurs gouvernements auprès d’une organisation internationale ou à des conférences ou réunions convoquées par elle en Suisse, ainsi que les membres des conseils de ces organisations (conseil d’administration, conseil exécutif, etc.), ont droit à une vérification de leurs bagages personnels réduite au strict minimum.

Les personnes ci-dessus ayant un rang équivalent à celui de chef de mission diplomatique (ambassadeur, ministre ou chargé d’affaires) ont droit à la franchise douanière pour les objets importés dans leurs bagages personnels.
2. Sur demande adressée par les organisations internationales à la direction des douanes compétente, les présidents des principales conférences bénéficient, pendant la durée de celles-ci, des privilèges accordés au haut personnel directeur conformément à l'article 7, excepté l'importation en franchise d'effets mobiliers et de véhicules de tout genre.

**Article 20**

Matériel de bureau

1. Sous réserve de réexportation ou d'acquittement à l'importation du matériel non utilisé, l'exemption des droits d'entrée est accordée pour le matériel de bureau (papier à lettres, crayons, encre, etc.), formules et publications, destinés à l'usage officiel de ces délégations, à condition qu'une déclaration relative à leur emploi soit signée par le chef de la délégation et présentée au bureau de douane d'entrée.

2. Sous réserve de réexportation à la fin des travaux de la conférence, l'admission en franchise temporaire sous le couvert d'un passavant est accordée pour les meubles, machines de bureau et autres objets, tels que films, clichés de projection, appareils de radio, etc., destinés à l'usage officiel de ces délégations, à condition qu'une déclaration relative à leur emploi soit signée par le chef de la délégation et présentée au bureau de douane d'entrée.

**B. ORGANES DES NATIONS UNIES ET INSTITUTIONS SPÉCIALISÉES, AYM LEUR SIÈGE À L'ÉTRANGER**

**CHAPITRE VIII. DISPOSITIONS CONCERNANT LES ORGANISATIONS, ADMINISTRATEURS, EXPERTS, fonctionnaires ET délégATIONS D’ÉTATS Membres**

**Article 21**

Envois personnels

1. Le Secrétaire général et les Sous-Secrétaires généraux de l'Organisation des Nations Unies bénéficient, lorsqu’ils viennent en Suisse dans l'exercice de leurs fonctions, de la franchise douanière pour tous les objets, aux conditions prévues dans le présent règlement pour le haut personnel directeur. Dans le trafic des voyageurs, les facilités ne sont accordées que sur présentation du laissez-passer des Nations Unies, de couleur rouge.


3. Les membres des délégations d’États Membres ayant un rang équivalent à celui de chef de mission diplomatique (ambassadeur, ministre, chargé d’affaires), ont droit, lorsqu’ils participent à une conférence ou réunion convoquée en Suisse, à la franchise douanière pour les objets importés dans leurs bagages personnels.

4. Les fonctionnaires détenteurs des laissez-passer bleus et les membres des délégations d’États Membres ayant un rang diplomatique inférieur à celui de chef de mission ont droit, lorsqu’ils viennent en Suisse en mission officielle, à une vérification de leurs bagages personnels réduite au strict minimum.
5. À la demande des organisations internationales, adressée à la direction des douanes compétente, les présidents des principales conférences bénéficient, pendant la durée de celles-ci, des privilèges accordés au haut personnel directeur conformément à l'article 7, excepté l'importation en franchise d'effets mobiliers et de véhicules de tout genre.

Article 22

Matériel de bureau

1. Le matériel de bureau (papier à lettres, crayons, encre, etc.), les formules et publications, importés à l'occasion de conférences ou réunions convoquées en Suisse, et destinés à l'usage officiel des institutions spécialisées ou des délégations intéressées, sont admis en franchise aux conditions indiquées au premier alinéa de l'article 20.

2. Les meubles, machines de bureau et autres objets, tels que films, clichés de projection, appareils de radio, etc., destinés à un usage officiel, peuvent être dédouanés avec passavant, aux conditions indiquées au second alinéa de l'article 20.

3. Les déclarations prévues à l'article 20 sont signées, soit par le plus haut fonctionnaire de l'institution participant à la conférence ou par son remplaçant, soit par le chef de la délégation requérante.

Article 23

Fonctionnaires en mission temporaire en Suisse


L'importation de véhicules à moteur est soumise aux dispositions de l'article 31.

2. Cette facilité est accordée sous réserve de réexportation une fois la mission en Suisse terminée.

3. Les intéressés doivent présenter au bureau de douane, en double exemplaire, la liste des effets à importer. Cette liste doit être visée par le chef de l'Organisation auprès de laquelle ils ont été détachés ou par son représentant autorisé.

CHAPITRE IX. COMMISSION INTÉRIEURE DE L'ORGANISATION INTERNATIONALE DU COMMERCE ET COUR INTERNATIONALE DE JUSTICE

Article 24

Commission intérieure de l'Organisation internationale du commerce

La commission intérieure de l'Organisation internationale du commerce est assimilée, en ce qui concerne le présent règlement, aux institutions spécialisées ayant leur siège en Suisse.

Article 25

Cour internationale de Justice

1. Les juges de la Cour internationale de Justice, le greffier et le greffier adjoint faisant fonction de greffier, bénéficient, lorsqu'ils viennent en Suisse
dans l'exercice de leurs fonctions, de la franchise douanière pour tous les objets, excepté les effets de première installation et les véhicules à moteur, aux conditions prévues dans le présent règlement pour le haut personnel directeur.

2. Les fonctionnaires du greffe de la cour, en mission officielle en Suisse, ont droit, à l'entrée et à la sortie, à une vérification de leurs bagages personnels réduite au strict minimum.

3. Les juges de la Cour domiciliés en Suisse bénéficient des privilèges accordés par les articles 7 et 27 au haut personnel directeur.

C. RÉGIMES PARTICULIERS

CHAPITRE X. VÉHICULES À MOTEUR

Article 26

VÉHICULES À MOTEUR DESTINÉS AUX ORGANISATIONS AYANT LEUR SIÈGE EN SUISSE

1. Les Organisations ayant leur siège en Suisse bénéficient du droit d'importer en franchise les véhicules à moteur destinés à leur usage exclusif.

2. Les automobiles de tourisme et motocyclettes ne peuvent être cédées à des tiers en Suisse, à titre gratuit ou onéreux, durant trois ans à partir de l'admission en franchise, sans notification préalable de la cession à la direction des douanes compéte et acquittement des droits d'entrée. Pour les autres véhicules, le délai est de cinq ans. (Cession à une personne ou une organisation ayant droit à la franchise, voir article 29.)

Article 27

VÉHICULES À MOTEUR DESTINÉS AU HAUT PERSONNEL DIRECTEUR ET À CERTAINS FUNCTIONNAIRES SUPÉRIEURS

1. Les personnes dénommées à l'article 7 et domiciliées en Suisse ont droit, tous les trois ans, à l'exonération douanière d'une automobile de tourisme ou d'une motocyclette, destinée à leur usage personnel.

Ces véhicules ne peuvent être cédés à des tiers en Suisse, à titre gratuit ou onéreux, durant trois ans à partir de l'admission en franchise, sans notification préalable de la cession à la direction des douanes compétente et acquittement des droits d'entrée (cession à une personne ou une organisation ayant droit à la franchise, voir article 29).

2. Les personnes dénommées à l'article 7 ont droit, tous les cinq ans, à l'exonération douanière d'un aéronéf et d'un bateau de plaisance, destinés à leur usage personnel.

Ces véhicules ne peuvent être cédés à des tiers en Suisse, à titre gratuit ou onéreux, durant cinq ans à partir de l'admission en franchise, sans notification préalable de la cession à la direction des douanes compétente et acquittement des droits d'entrée (cession à une personne ou une organisation ayant droit à la franchise, voir article 29).

3. L'acquittement, la cession conformément à l'article 29 ou la réexportation définitive d'un véhicule à moteur avant l'expiration du délai de trois ou cinq ans à compter de l'admission en franchise, donnent droit immédiatement à l'exonération douanière d'un nouveau véhicule, aux conditions établies par ce règlement.
Article 28

Automobiles de tourisme et motocyclettes, destinées aux autres fonctionnaires

1. Les fonctionnaires mentionnés à l'article 10 et domiciliés en Suisse ont droit, à l'occasion de leur première installation en Suisse, ou lors de leur retour en Suisse après une absence minimum de trois ans, à l'importation en franchise d'une seule automobile de tourisme ou d'une motocyclette destinée à leur usage personnel.

2. L'admission en franchise doit être demandée par l'ayant droit, par l'intermédiaire de l'organisation à laquelle il appartient, dans le délai fixé par celle-ci pour accorder le remboursement des frais de déménagement. L'importation devra intervenir dans ce même délai.

3. Ces véhicules ne peuvent être cédés à des tiers en Suisse, à titre gratuit ou onéreux, durant cinq ans à partir de l'admission en franchise, sans notification préalable de la cession à la direction des douanes compétente et acquittement des droits d'entrée (cession à une personne ou une organisation ayant droit à la franchise, voir article 29).

Si cette cession a lieu plus de trois ans après l'admission en franchise, la moitié seulement des droits sera perçue.

Article 29

Dispositions spéciales concernant l'importation d'automobiles

1. Les ayants droit revendiquant, sur la base des articles 26, 27 et 28, l'importation en franchise d'un véhicule à moteur, doivent adresser une requête à la direction des douanes compétente et s'engager, sur formule spéciale, à ne pas l'alléner en Suisse avant trois ou cinq ans à partir de l'admission en franchise, à titre gratuit ou onéreux, sans autorisation de la direction des douanes compétente et sans avoir acquitté les droits de douane.

2. Les actes d'engagement concernant les véhicules à moteur importés aux termes de l'article 26 doivent être signés par le chef de l'organisation intéressée ou par son représentant autorisé. Les actes d'engagement signés par les fonctionnaires supérieurs bénéficiant des dispositions prévues à l'article 27 et par les fonctionnaires bénéficiant des dispositions de l'article 28 doivent être visés par le chef de l'organisation intéressée ou par son représentant autorisé.

3. Les véhicules à moteur admis en franchise en vertu des articles 26, 27 et 28 peuvent, d'entente avec la direction des douanes compétente, être cédés sans paiement des droits, avant l'expiration du délai de trois ou cinq ans, à une organisation ou à un fonctionnaire en droit de revendiquer, aux termes du présent règlement, l'exonération douanière de ces véhicules, l'acquéreur endossant par écrit les obligations du cédant. L'acquéreur bénéficie de la fraction du délai de trois ou cinq ans écouté au moment de la transaction.

4. En cas de transfert d'un fonctionnaire, les véhicules à moteur dont l'admission en franchise remonte à moins de trois ou cinq ans peuvent être vendus en Suisse en payant les droits de douane réduits suivants:
Automobile de tourisme et motocyclette : Autres véhicules :

avant l’expiration d’un délai de

1 an = 75 %
2 ans = 50 %
3 ans = 25 %
4 ans = 15 %
5 ans = 10 %

Article 30

Véhicules à moteur destinés aux représentations des Etats membres, déléguées à titre permanent auprès des organisations ayant leur siège en Suisse

1. Les représentations permanentes mentionnées à l’article 15 ont droit à l’importation temporaire en franchise des véhicules à moteur destinés à leur usage officiel et appartenant aux gouvernements qu’elles représentent.

2. Le chef de la délégation intéressée doit adresser une requête à la direction des douanes compétente et s’engager, sur formule spéciale, à ne céder le véhicule à des tiers en Suisse, à titre gratuit ou onéreux, sans notification préalable de la cession à ladite direction et acquittement des droits d’entrée.

Article 31

Automobiles destinées :

a) Aux représentations non permanentes des Etats membres des organisations ayant leur siège en Suisse ;

b) Aux représentants non permanents des Etats membres, aux membres, des conseils d’administration, conseils exécutifs, etc., désignés à l’article 19, ainsi qu’aux experts et autres personnes en mission temporaire en Suisse, désignés à l’article 14 ;

c) Aux organes des Nations Unies et aux institutions spécialisées ayant leur siège à l’étranger ;

d) Aux fonctionnaires desdites organisations, envoyés en mission temporaire en Suisse, désignés à l’article 23 .

1. Les automobiles de tourisme destinées aux institutions ou importées par les personnes désignées sous lettres a) à d) ci-dessus sont admises en franchise temporaire sur la base de documents douaniers touristiques (carnet de passages en douane, triptyque ou carte d’entrée provisoire) ou d’un passant.

2. Le délai de réexportation est déterminé par la validité du document douanier touristique ; s’il l’importation a lieu sur la base d’un passant, ce délai est d’une année et peut être prolongé, sur demande adressée, avant son expiration, à la direction des douanes compétente.

Article 32

Cession de véhicules à moteur endommagés

Lorsqu’un véhicule à moteur, importé en franchise conformément aux articles 26 à 28, a été fortuitement détruit ou endommagé avant l’expiration du délai de trois ou cinq ans, la cession du véhicule ou de pièces détachées a lieu contre acquittement des droits de douane fixés, dans chaque cas, par la direction générale des douanes.
CHAPITRE XI. CORRESPONDANCE OFFICIELLE EXPÉDIÉE PAR VALISE SCELLÉE

Article 33

1. Les organisations auxquelles s'applique le présent règlement, de même que les délégations d'Etats Membres ont, en Suisse, le droit d'expédier et de recevoir, dans des valises scellées, de la correspondance officielle, des dossiers ou autres documents officiels échangés entre elles, avec leurs propres bureaux situés dans d'autres pays, avec les membres de leurs conseils et avec des gouvernements ou des missions diplomatiques.

Les membres des conseils (conseils d'administration, conseils exécutifs, etc.) des organisations précitées ont le même droit lorsqu'ils se trouvent en Suisse dans l'exercice de leurs fonctions.

Les personnes qui accomplissent des missions pour les organisations sus-nommées peuvent également recevoir des valises scellées expédiées par l'une de ces organisations.

2. Les valises doivent être plombées ou cachetées par le service compétent de l'organisation, du gouvernement, de la mission diplomatique ou de la délégation. Elles doivent être accompagnées, soit d'un courrier porteur d'une lettre de courrier (sauf-conduit), soit d'une attestation. La lettre de courrier et l'attestation doivent être établies par le service qui a apposé la fermeture, et certifier que la valise ne contient que des documents officiels.

D. DISPOSITIONS GÉNÉRALES ET FINALES

CHAPITRE XII. DISPOSITIONS GÉNÉRALES

Article 34

Interdictions et restrictions d'importation et d'exportation

Les marchandises importées en franchise sur la base du présent règlement et les publications ne sont pas soumises aux interdictions ou restrictions d'importation et d'exportation de nature économique ou financière. Les dispositions de conventions internationales générales et les mesures touchant la santé publique demeurent réservées.

Article 35

Dédouanement subséquent

Toutes les prescriptions relatives à l'importation des marchandises sont applicables lors du paiement subséquent des droits de douane sur des objets admis en franchise en vertu du présent règlement.

Article 36

Remboursement des droits

Les droits de douane ne sont pas remboursés sur les objets et marchandises de tout genre ayant fait l'objet d'un dédouanement définitif, même si, aux termes du présent règlement, leur admission en franchise était prévue.

Article 37

Réciprocité

La réserve de réciprocité contenue à l'article 19 de la loi sur les douanes ne s'applique pas au présent règlement.
Article 38

Garantie

Dans les cas où le présent règlement prévoit le dédouanement avec pass-savant, l’administration des douanes suisses peut, si les organisations intéressées prennent un engagement dans ce sens, considérer les montants des droits de douane dus comme étant garantis par un cautionnement général.

Article 39

Personnes de nationalité suisse

Le présent règlement ne s'applique pas aux personnes de nationalité suisse; celles-ci sont soumises aux dispositions douanières générales.

Article 40

Délégation de compétence

1. Il appartient à la direction générale des douanes de fixer les compétences de ses organes subordonnés en matière d’application du présent règlement.

2. Les dits organes correspondent directement avec les organisations et requérants intéressés, pour tous les cas relevant de leurs compétences.

Article 41

Dans le cas où, selon le présent règlement, le chef de l’organisation peut déléguer ses compétences à un représentant autorisé, le nom de ce dernier devra être dûment communiqué à la direction des douanes compétente.

Article 42

Pièces de légitimation

Des cartes de légitimation désignant la fonction remplie par le titulaire sont délivrées aux personnes suivantes, par le département politique fédéral:

a) Cartes blanches barrées de rose avec listéré rouge foncé:
Hauts fonctionnaires directeurs, bénéficiant de la franchise douanière selon les articles 7 et 27 du présent règlement; chefs de délégations permanentes désignés à l’article 16, chiffre 1.

b) Cartes blanches barrées de rose avec surcharge $\mathcal{Z} + D$:
Fonctionnaires supérieurs désignés par l’organisation à laquelle ils appartiennent conformément aux conditions établies d’entente avec le Conseil fédéral et bénéficiant de la franchise douanière selon les articles 7 et 27 du présent règlement; chefs de délégations permanentes et délégues désignés à l’article 16, chiffre 2.

c) Cartes blanches barrées de rose sans surcharge $\mathcal{Z} + D$:
Fonctionnaires au bénéfice des facilités douanières prévues aux articles 10 et 28 du présent règlement.

d) Cartes blanches barrées de bleu:
Fonctionnaires des Organisations internationales et personnel technique et auxiliaire des délégations permanentes au bénéfice des facilités douanières prévues aux articles 10 et 28 du présent règlement.

e) Cartes blanches barrées de vert:
Tous les fonctionnaires de nationalité suisse des Organisations internationales et délégations permanentes.
Cette carte permet au titulaire d'attester sa qualité d'agent d'une institution internationale ou d'une délégation, sans facilités douanières spéciales.

f) *Cartes blanches barrées de jaune:*
Conjoint et enfants mineurs, vivant avec une personne désignée ci-dessus.

*Article 43*

**Dispositions générales de la législation douanière**
Les dispositions générales de la législation douanière sont applicables lorsque le présent règlement ne prévoit pas de dérogation.

*Article 44*

**Collaboration**
Les organisations internationales mentionnées au préambule et l'administration des douanes coopèrent en vue de faciliter l'application du présent règlement et l'examen des cas d'abus.

*Article 45*

**Listes des ayants droit aux facilités**

1. Les organisations internationales envoient périodiquement au département politique fédéral la liste des fonctionnaires auxquels le présent règlement s'applique et elles lui communiquent les changements intervenus au fur et à mesure qu'ils se produisent. Elles lui signalent, en temps utile, les réunions et conférences qu'elles tiennent en Suisse, ainsi que les noms et qualités des personnes n'appartenant pas à une délégation permanente d'États membres, qui accomplissent une mission temporaire en Suisse et bénéficient de privilèges douaniers conformément au présent règlement.

2. Le département politique fédéral renseigne immédiatement la direction générale des douanes.

**CHAPITRE XIII. DISPOSITIONS FINALES**

*Article 46*

**Entrée en vigueur**
Le présent règlement entre en vigueur le 23 avril 1952.

*Article 47*

**Clause abrogatoire**
ANNEXE I. LISTE DES ORGANISATIONS INTERNATIONALES BÉNÉFICIENT DES DISPOSITIONS DU RÈGLEMENT DOUANIER

A. Organes des Nations Unies et institutions spécialisées, ayant leur siège en Suisse

Office européen des Nations Unies;
Organisation internationale du travail;
Organisation mondiale de la santé;
Organisation internationale pour les réfugiés;
Union internationale des télécommunications;
Union postale universelle;
Organisation météorologique mondiale.

B. Organes des Nations Unies et institutions spécialisées, ayant leur siège à l'étranger

Secrétariat général des Nations Unies;
Assemblée générale des Nations Unies;
Conseil de sécurité;
Conseil économique et social;
Conseil de tutelle;
Cour internationale de Justice (juges et greffier, voir dispositions particulières, article 25);
Organisation des Nations Unies pour l'éducation, la science et la culture;
Organisation internationale pour l'alimentation et l'agriculture;
Organisation internationale pour l'aviation civile;
Fonds monétaire international;
Banque internationale pour la reconstruction et le développement;
Organisation internationale du commerce (commission intérimaire, à Genève, voir dispositions particulières, article 25).

ANNEXE II. IMPORTATION ET DISTRIBUTION D'ESSENCE FRANCHE DE DROITS

Les dispositions des articles 2 à 6 et 8 du règlement ne s'appliquent pas à l'importation en franchise d'essence destinée aux véhicules à moteur appartenant aux organisations et délégations permanentes, ainsi qu'à leur personnel.

La direction générale des douanes édictera les prescriptions relatives à l'importation et à la distribution à Genève et dans d'autres localités de l'essence en question.

Les délégués non permanents mentionnés à l'article 19 ayant un rang diplomatique équivalent à celui de chef de mission ou de collaborateur diplomatique d'un chef de mission sont assimilés, en ce qui concerne l'utilisation de l'essence franche de droits, au haut personnel directeur et aux fonctionnaires supérieurs des organisations.

Compétences

En vertu des dispositions de l'article 40, chiffrage 2, la direction générale des douanes fixe les compétences relatives à l'application des dispositions du règlement douanier concernant les organisations internationales comme il suit:

Sous réserve des dispositions du règlement précité
1. **La direction des douanes à Genève**

Est compétente pour traiter les questions se rapportant au dit règlement en ce qui concerne les organisations et assemblées internationales siégeant définitivement ou temporairement à Genève;

2. **Le bureau de Genève-gare Cornavin**

Est seul compétent pour le traitement en douane des envois arrivant par chemin de fer à l’adresse des organismes mentionnés sous chiffre 1 ci-dessus;

3. **Le bureau de Berne-gare**

Est compétent pour traiter les questions se rapportant au dit règlement en ce qui concerne les organisations et assemblées internationales siégeant définitivement ou temporairement à Berne;

4. **Les directions**

Dans l’arrondissement desquelles est situé le siège d’une organisation internationale où se tient une assemblée d’une organisation tombant sous le coup du dit règlement, ainsi que, d’une manière générale, en ce qui concerne le traitement des personnes dans le trafic des voyageurs, surveillent l’application correcte du règlement précité.

Dans tous les autres cas et lorsqu’il s’agit de questions dépassant le cadre du règlement douanier, les offices subordonnés demanderont, par la voie du service, des instructions à la direction générale des douanes.

c) **Arrêté fédéral concernant le statut juridique en Suisse de l’Organisation des Nations Unies, d’institutions spécialisées des Nations Unies et d’autres organisations internationales, 29 septembre 1955**

L’assemblée fédérale de la Confédération suisse,

Vü l’article 85, chiffre 5, de la constitution;

Vü le message du Conseil fédéral du 28 juillet 1955 1;

**Arrêté:**

**Article premier**

Sont approuvés:

a) L’accord, l’arrangement d’exécution et l’échange de lettres concernant le statut juridique de l’Organisation météorologique mondiale (OMM), du 10 mars 1955 2;

b) L’accord et l’échange de lettres concernant le statut juridique de l’Organisation européenne pour la recherche nucléaire (CERN), du 11 juin 1955 3.

Le Conseil fédéral est autorisé à ratifier ces deux accords.

**Article 2**

Sont approuvés:

a) L’arrangement provisoire sur les privilèges et immunités de l’Organisation des Nations Unies (ONU), du 19 avril 1946 4; l’échange de lettres

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1 FF 1955, II, 389.
2 RO 1956, 1145.
3 RO 1956, 1158.
4 RO 1956, 1171.
entre le chef du Département politique et le secrétaire général des Nations Unies des 22 octobre et 4 novembre 1946;

b) L'accord et l'arrangement d'exécution concernant le statut juridique de l'Organisation internationale du travail (OIT), du 11 mars 1946 1;

c) L'échange de lettres concernant le statut juridique de l'Union postale universelle (UPU), des 5 février et 22 avril 1948 2;

d) L'échange de lettres concernant le statut juridique de l'Union internationale des télécommunications (UIT), des 6 et 25 février 1948 3;

e) L'accord et l'arrangement d'exécution concernant le statut juridique de l'Organisation mondiale de la santé (OMS), du 19 septembre 1946 4;

f) L'accord concernant le statut juridique du bureau international d'éducation (BIE), du 15 novembre 1946 5;

g) L'échange de lettres concernant le statut juridique du Comité intergouvernemental pour les migrations européennes (CÎME), des 7 avril et 3 mai 1954 6.

ARRETT FÉDÉRAL CONCERNANT LA CONCLUSION OU LA MODIFICATION D'ACCORDS AVEC DES ORGANISATIONS INTERNATIONALES EN VUE DE DÉTERMINER LEUR STATUT JURIDIQUE EN SUISSE, 30 SEPTEMBRE 1955

L'ASSEMBLÉE FÉDÉRALE DE LA CONFÉDÉRATION SUISSE,
Vu l'article 85, chiffre 2, de la constitution;
Vu le message du Conseil fédéral du 28 juillet 1955 7,
Arrête:

Article premier

Le Conseil fédéral est autorisé à modifier ou à compléter les accords conclus avec des organisations internationales en vue de déterminer leur statut juridique en Suisse, en tant que les dispositions nouvelles sont compatibles avec le droit fédéral. Les dispositions nouvelles peuvent toutefois prévoir des exceptions à la législation fiscale de la Confédération.

Article 2

Si une institution spécialisée des Nations Unies désire fixer en Suisse son siège principal ou un siège subsidiaire, le Conseil fédéral pourra conclure avec elle un accord lui reconnaissant un statut juridique analogue à celui qui a été reconnu aux institutions spécialisées des Nations Unies déjà établies en Suisse.

Article 3

Si une organisation internationale qui n'est pas une institution spécialisée des Nations Unies désire fixer en Suisse son siège principal ou un siège subsidiaire, le Conseil fédéral pourra conclure avec elle un accord déterminant

1 RO 1956, 1182.
2 RO 1956, 1194.
3 RO 1956, 1196.
4 RO 1956, 1198.
5 RO 1956, 1211.
6 RO 1956, 1213.
7 FF 1955, II, 389.
son statut juridique en Suisse, en tant que les dispositions de cet accord sont compatibles avec le droit fédéral. Le Conseil fédéral peut toutefois accorder des exceptions à la législation fiscale de la Confédération.

**Article 4**

Si les accords prévus aux articles précédents comportent des dispositions contraires au droit cantonal du siège de l'organisation internationale (par exemple, droit fiscal), l'approbation du canton intéressé devra être obtenue.

**Article 5**

Est réservée la compétence de l'Assemblée fédérale dans le cas des accords visés par l'article 89, 3e alinéa, de la constitution.

**Article 6**

Le Conseil fédéral publiera le présent arrêté conformément à la loi fédérale du 17 juin 1874 concernant les votations populaires sur les lois et arrêtés fédéraux et il fixera la date de son entrée en vigueur.

**LE CONSEIL FÉDÉRAL ARRÊTE:**

L'arrêté fédéral ci-dessus, publié le 6 octobre 1955, sera inséré dans le *Recueil des lois fédérales* et entre en vigueur le 8 juin 1956.

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**Sweden**

(a) *Act of 10 July concerning Special Privileges for Certain International Organizations as Amended by the Act of 4 June 1954 (Swedish Statutes Series, Nos. 511 and 334)*

**Article 1**

Notwithstanding any provision to the contrary contained in any law or special statute, the United Nations, the Organization for European Economic Co-operation, the Council of Europe, the Customs Co-operation Council and the specialized agencies of the United Nations, representatives of members of these organizations and persons employed or commissioned by these organizations, as well as the International Court of Justice, its members and staff and all persons otherwise participating in the proceedings of the Court, shall enjoy immunities and privileges in accordance with the relevant provisions of any regulations or agreements to which Sweden is a party.

**Article 2**

His Majesty may make regulations for giving effect to this Act.

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1 FF 1955, II, 633.
2 Translation by the Secretariat of the United Nations.
ACT OF 10 JULY 1947 CONCERNING THE PROTECTION OF THE EMBLEM AND NAME OF THE UNITED NATIONS (Swedish Statutes Series, No. 512)

**Article 1**

The emblem, name or abbreviation of the name of the United Nations or any other device so similar as to be easily mistaken therefor may not be used publicly as a mark or designation without the approval of the Secretary-General of the United Nations.

The appearance of the emblem is shown in the annex hereto.

**Article 2**

Any person who without due permission offers for sale goods bearing a mark or designation referred to in Article 1, or unlawfully includes such a designation in the name of a firm, or otherwise contravenes the prohibition laid down in that article, shall be punished by daily fine or imprisonment.

Fines shall accrue to the Crown.

This Act shall come into force on 1 January 1948 but shall not apply to trade marks or names of firms lawfully registered before its promulgation; provided that a trade mark containing a mark or designation referred to in Article 1, or the name of a firm containing such a designation in use before the promulgation of this Act may continue to be employed, notwithstanding the provisions of the Act, until 1 January 1951.

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**Thailand**


H.M. King Bhumiphol Adulydej has been graciously pleased to proclaim that:

Whereas it is expedient to render facilities to the United Nations Organization and its Specialized Agencies and their agents according to the conditions provided in the Convention on the Privileges and Immunities of the United Nations of the 13th. February 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of the 21st. November 1947 to which Thailand is a party;

it is, therefore, enacted, by and with advice and consent of the Assembly of the People's Representatives, as follows:

**Section 1.** — This Act shall be called the "Act concerning the Operation of the United Nations Organization and its Specialized Agencies in Thailand, B.E. 2498".

**Section 2.** — This Act shall come into force as from the day following the date of its publication in the Government Gazette.

**Section 3.** — For the benefit of their operation and for the fulfilment of their objects in Thailand, the United Nations Organization and its Specialized Agencies, as specified in the Royal Decree to be issued under this Act, shall be recognized as juristic persons, an shall have their domicile in Thailand.

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1 Translation by the Secretariat of the United Nations.
Section 4. — The premises, properties, assets and archives of the United Nations Organization and its Specialized Agencies mentioned in Section 3 shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action to the extent of which the Government has made an agreement with the United Nations Organization and its Specialized Agencies.

Section 5. — During the performance of their functions in Thailand or on coming into Thailand for performing their functions, or in performing activities in connection with the United Nations Organization and its Specialized Agencies, the following persons shall be granted, in Thailand, the same privileges and immunities as those granted to the members of the diplomatic corps of similar ranks, viz:

(1) the representatives of States which are members of the United Nations;

(2) the officials of the United Nations Organization and its Specialized Agencies mentioned in Section 3, and the experts performing the activities for such Organization and Specialized Agencies;

(3) the representatives of States which are members of the Specialized Agencies, and the officials of such Specialized Agencies invited to attend meetings held in Thailand.

The above provisions have been applied to the extent of which the Government has made an agreement with the United Nations Organization and its Specialized Agencies.

Section 6. — The Minister of Foreign Affairs shall take charge and control for the execution of this Act.

Union of South Africa

Note: In a note of 9 June 1959, the Permanent Representative of the Union of South Africa to the United Nations stated that the Diplomatic Privileges Act No. 71 of 1951 (Act to consolidate and amend the laws relating to the immunities and privileges of representatives of other heads of States or Governments, to provide for the immunities and privileges of delegates to international conferences and of members and officials of certain international organizations and institutions, and to provide for matters incidental thereto) has not been amended. The text of this Act has been reproduced in the United Nations Legislative Series, Laws and Regulations regarding diplomatic and consular privileges and immunities, ST/LEG/SER.B/7, pp. 329-333.

United Kingdom of Great Britain and Northern Ireland 1

(a) Diplomatic Privileges (United Nations and International Court of Justice) Order in Council 1947 (Statutory Rules and Orders 1947, No. 1772)

Whereas, by Section 1 of the Diplomatic Privileges (Extension) Act, 1944 (7 and 8 Geo. 6. c. 44) as amended by the Diplomatic Privileges (Extension)

1 The text of laws and regulations contained in the section relating to the United Kingdom was provided in September 1959 by the Permanent Representative of the United Kingdom to the United Nations.
Act, 1946 (9 and 10 Geo. 6. c. 66), hereinafter together referred to as "the Act", it is enacted:

That the provisions of that Section shall apply to any organisation declared by Order in Council to be an organisation of which His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers are members;

That His Majesty may, by Order in Council, provide that any organisation to which that Section applies shall, to the extent specified in the Order, have the immunities and privileges set out in Part I of the Schedule to the Act and shall also have the legal capacities of a body corporate;

That His Majesty may, by Order in Council, confer upon the representatives of member governments on the governing body or any committee of the organisation, and upon persons employed on missions on behalf of the organisation, and upon officers and servants of the organisation, the immunities and privileges set out in Parts II and III of the said Schedule to the extent specified in the Order; and

That Part IV of the Schedule to the Act shall have effect for the purpose of extending to the staffs of representatives of member governments and to the families of certain high officers of the organisation any immunities and privileges conferred on the representatives or officers, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges:

And whereas, by Section 2 of the Diplomatic Privileges (Extension) Act, 1946, it is enacted:

That in the application of the Act to the United Nations any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and

That His Majesty shall have power by Order in Council to confer on the judges and registrars of the International Court of Justice, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of or convention approved by the General Assembly of the United Nations:

And whereas, on the 13th February, 1946, at the first General Assembly of the United Nations, the Convention on the Privileges and Immunities of the United Nations (which Convention is set forth in Annex 1 to the present Order) was approved and proposed for accession by each member of the United Nations:

And whereas His Majesty's Government in the United Kingdom have acceded to the aforesaid Convention:

And whereas the General Assembly of the United Nations, on the 11th December, 1946, adopted a resolution concerning the immunities and privileges of the International Court of Justice, which resolution, together with certain relevant provisions of the Statute of the Court, are set forth in Annex 2 to the present Order:

1 Annex not reproduced. For the text of the said Convention see Second Part of this Volume, p. 184.

2 Annex not reproduced. For the text of the relevant provisions of the Statute of the Court see Second Part of this Volume, p. 183. The text of the resolution adopted by the General Assembly on 11 December 1946 may be found in Resolutions adopted by the General Assembly during the Second Part of its First Session from 23 October to 15 December 1946, p. 176.
And whereas it is expedient in the exercise of the powers aforesaid to make provision for the privileges and immunities of the United Nations and of the International Court of Justice in accordance with the aforesaid Convention and the aforesaid resolution of the Assembly of the 11th December, 1946:

Now, therefore, His Majesty, by virtue and in exercise of the powers on this behalf by the aforesaid Act or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order and it is hereby ordered as follows:

PART I. THE UNITED NATIONS

A. The Organisation

1. The United Nations set up by the Charter signed at San Francisco on the 26th June, 1945, is an organisation of which His Majesty's Government in the United Kingdom and the governments of foreign sovereign Powers are members.

2. The United Nations shall have the legal capacity of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

3. The United Nations shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.

4. The United Nations shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

5. The United Nations shall have exemption from taxes on the importation of goods directly imported by the organisation for its official use in the United Kingdom or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Commissioners for Customs and Excise may prescribe for the protection of the revenue.

6. The United Nations shall have exemption from prohibitions and restrictions on importation and exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

7. The United Nations shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside the United Kingdom), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. Representatives of Members

8. Except in so far as in any particular case any privilege or immunity is waived by the member governments whom they represent Representatives of member governments to the General Assembly or to any Council or other organ of the United Nations shall enjoy: —

(a) While exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention
and from seizure of their personal baggage and inviolability for all papers and documents:

(b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives.

(c) While exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, save that the relief allowed shall not include relief from customs and excise duties or purchase tax except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in the United Kingdom during any period when they are present in the United Kingdom while exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in the United Kingdom.

9. For the purposes of the application of this Order, the expression “representatives of member governments” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, but shall not include any person who is the representative of His Majesty’s Government in the United Kingdom or any member of the staff of such representative, or any person who is a British subject and who is not the representative of a Government of His Majesty other than His Majesty’s Government in the United Kingdom or the member of the staff of and accompanying any such representative.

C. High officials of the United Nations

10. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General or the Security Council of the United Nations, the Secretary-General and Assistant Secretaries-General of the United Nations (and not exceeding at one time 6 in number) shall be accorded in respect of themselves, their spouses and children under the age of twenty-one the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, his spouse and children. They shall also enjoy exemption from income tax in respect of emoluments received by them as officers of the United Nations.

D. Persons employed on missions on behalf of the United Nations

11. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, persons employed on missions on behalf of the United Nations shall enjoy:

(a) While exercising their functions as such, as during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents:

(b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of these functions.
E. Other officials of the United Nations

12. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, officials of the United Nations (other than those referred to in Article 10 above, and officials engaged locally and remunerated by payment calculated by the number of hours worked) shall enjoy:

(a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties and

(b) exemption from income tax in respect of emoluments received by them as officers or servants of the United Nations.

PART II. INTERNATIONAL COURT OF JUSTICE

13. Except in so far as in any particular case any privilege or immunity is waived by the Court, the judges and Registrar of the International Court of Justice (including any officer of the Court acting as Registrar) shall, when engaged on the business of the Court and during any journey to and from the place where the Court is sitting in connexion with such business, enjoy the like immunity from suit and legal process, the like inviolability of residence and also unless they are British subjects whose usual place of abode is in the United Kingdom the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty.

14. The judges and Registrar of the International Court of Justice shall enjoy exemption from income tax in respect of all emoluments received by them as judges or Registrar.

15. Except in so far as in any particular case any privilege or immunity is waived by the government whom they represent before the Court, the agents, counsel and advocates of parties before the Court shall enjoy:

(a) When engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connexion with such missions, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;

(b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in this capacity;

(c) When engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connexion with such mission, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, save that the relief allowed shall not include relief from customs or excise duties or purchase tax except in respect of goods imported as part of their personal baggage. They shall not, where incidence of any form of tax depends upon residence, be deemed to be resident in the United Kingdom during any period when they are present in the United Kingdom while exercising these functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in the United Kingdom.

The provisions of this Article do not apply to any agents, counsel or advocates acting on behalf of His Majesty's Government in the United
Kingdom or to any British subject acting on behalf of any other Government except a Government of His Majesty other than His Majesty's Government in the United Kingdom.

PART III. GENERAL

16. The names of the persons to whom the provisions of Articles 8, 9, 10, 11, 13, 14 and 15 of this Order apply shall be set forth in a list compiled and published from time to time by the Secretary of State under Section 1(3) of the Act and such list shall show in regard to each person the date as from which, for the purposes of this Order, he first held the office or employment in question, and the date when he ceased to hold that office or employment.


18. This Order may be cited as the Diplomatic Privileges (United Nations and International Court of Justice) Order in Council 1947.

19. This Order shall be laid before Parliament. It shall enter into force as from 2 weeks after the making of the Order. The Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs to give the necessary directions herein.

(b) DIPLOMATIC PRIVILEGES (UNITED NATIONS AND INTERNATIONAL COURT OF JUSTICE) (AMENDMENT) ORDER IN COUNCIL, 1949 Statutory Instruments 1949 No. 1428

Whereas by Section 1 of the Diplomatic Privileges (Extension) Act, 1944, as amended by the Diplomatic Privileges (Extension) Act, 1946 (hereinafter referred to together as "the Act"), His Majesty The King is authorised by Order in Council to declare that any organisation to which that Section applies may have such diplomatic privileges and immunities to the extent specified and provided for in the Order, and to confer upon such number of officers of the organisation as may be specified in the Order, being the holders of such high offices in the organisation as may be specified in the Order, to such extent as may be so specified;

And Whereas by Article 10 of the Diplomatic Privileges (United Nations and International Court of Justice) Order in Council, 1947, the immunities and privileges set out in Part II of the Schedule to the Act were conferred upon the Secretary-General and Assistant Secretaries-General of the United Nations, not exceeding at one time six in number;

And Whereas it is expedient that the number of the holders of such high offices in the United Nations who are entitled to such privileges and immunities shall be increased from six to nine:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the aforesaid Act or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order and it is hereby ordered as follows: —

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2 7 and 8 Geo. 6, c. 44.
3 9 and 10 Geo. 6, c. 66.
1. In Article 10, the number of Assistant Secretaries-General, to whom, at any one time, the privilege granted by this Article may be accorded, shall be increased from six to nine and the figure "6" shall be deleted from Article 10, and there shall be substituted the figure "9".

2. This Order may be cited as the Diplomatic Privileges (United Nations and International Court of Justice) (Amendment) Order in Council, 1949.

3. This Order shall be laid before Parliament. It shall come into operation on 11th August, 1949.

(c) International Organisations (Immunities and Privileges)

Immunities, privileges and capacities of certain international organisations and persons connected therewith

1. (1) This section shall apply to any organisation declared by Order in Council to be an organisation of which the United Kingdom or His Majesty's Government therein and one or more foreign sovereign Powers or the government or governments thereof are members.

(2) His Majesty may by Order in Council:

(a) Provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part I of the Schedule to this Act, and shall also have the legal capacities of a body corporate;

(b) Confer upon:

(i) Any persons who are representatives (whether of governments or not) on any organ of the organisation or are members of any committee of the organisation or of an organ thereof;

(ii) Such number of officers of the organisation as may be specified in the Order, being the holders of such high offices in the organisation as may be so specified; and

(iii) Such persons employed on missions on behalf of the organisation as may be so specified;

to such extent as may be specified in the Order, the immunities and privileges set out in Part II of the Schedule to this Act;

(c) Confer upon such other classes of officers and servants of the organisation as may be specified in the Order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Act; and Part IV of the Schedule to this Act shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this subsection and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges:

Provided that the Order in Council shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which, at the time of the making of the Order, are required to be conferred on that person in order to give effect to any inter-
national agreement in that behalf and that no immunity or privilege is conferred upon any person as the representative of His Majesty’s Government in the United Kingdom or as a member of the staff of such a representative.

Publication of lists of persons entitled to immunities and privileges under preceding section

2. (1) Where immunities and privileges are conferred on any persons by an Order in Council made under subsection (2) of the foregoing section, the Secretary of State —

(a) Shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that subsection;

(b) Shall cause any list compiled under this subsection to be published in the London, Edinburgh and Belfast Gazettes; and

(c) Whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid.

(2) Every list or notice published under the foregoing subsection shall state the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Immunities and privileges of judges of, and suitors to, the International Court of Justice

3. (1) His Majesty may, by Order in Council, confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

(2) In this section the expression “the International Court” means the International Court of Justice set up under the Charter of the United Nations.

Diplomatic immunities of representatives attending international conferences

4. (1) Where a conference is held in the United Kingdom and is attended by the representatives of His Majesty’s Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers, and it appears to the Secretary of State that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may —

(a) Compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the London, Edinburgh, and Belfast Gazettes; and
Whenever it appears to the Secretary of State that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of a foreign Power who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power credited to His Majesty, and of the retinue of such an envoy, be treated as if he were such an envoy, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list or notice published under the foregoing subsection in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Reciprocal treatment

5. Nothing in the foregoing provisions of this Act shall be construed as precluding His Majesty from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

Orders in Council

6. (1) A draft of any Order in Council proposed to be made under this Act shall be laid before Parliament and the draft shall not be submitted to His Majesty except in pursuance of an address presented by each House of Parliament praying that the Order be made.

(2) Any power conferred by this Act to make an Order in Council shall be construed as including a power to revoke or vary the Order in Council by a subsequent Order in Council made in accordance with the foregoing subsection.

Repeal and savings

7. (1) The Diplomatic Privileges (Extension) Acts, 1944 to 1950, are hereby repealed.

(2) Nothing in this Act shall affect any Order in Council made, list or notice published or condition prescribed under an enactment repealed by this Act, but any such Order in Council, list, notice or condition shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made, published or prescribed under this Act, have effect as if so made, published or prescribed.

(3) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.
(4) The mention of particular matters in this section shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Short title

8. This Act may be cited as the International Organisations (Immunities and Privileges) Act, 1950.

SCHEDULE

SECTION 1. IMMUNITIES AND PRIVILEGES

PART I

Immunities and privileges of the organisation

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.

3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in the United Kingdom or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside the United Kingdom), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

Immunities and privileges of representatives, members of committees, high officers and persons on missions

7. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty.

8. The like inviolability of residence as is accorded to such an envoy.

9. The like exemption or relief from taxes as is accorded to such an envoy.

PART III

Immunities and privileges of other officers and servants

10. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
11. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV

Immunities and privileges of official staffs and of high officers’ families

12. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as a representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy.

13. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person’s wife or husband and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to His Majesty are entitled to the immunities and privileges accorded to the envoy.

(d) Diplomatic Privileges (General Amendment) Order in Council, 1950 (Statutory Instruments, 1950 No. 515)

Whereas by Section 1 of the Diplomatic Privileges (Extension) Act, 1944, 1 as amended by the Diplomatic Privileges (Extension) Act, 1946, 2 His Majesty may declare by Order in Council that any organisation to which that Section applies may have the diplomatic privileges and immunities set forth in the Acts to the extent specified and provided for in the Order;

And Whereas His Majesty so declared in the case of the Organisations concerned by the Diplomatic Privileges Orders in Council set forth in the Schedule attached to this Order;

And Whereas it is expedient to make a general amendment to all the said Orders:

Now, therefore, His Majesty, by virtue and in exercise of the powers on that behalf conferred upon Him by the Diplomatic Privileges (Extension) Acts of 1944 and 1946, is pleased, by and with the advice of His Privy Council, to order and it is hereby ordered as follows: —

1. No provision of any of the Orders in Council set forth in the Schedule to this Order shall be deemed to confer on any person as an official of an international organisation any exemption from income tax except in respect of the emoluments received by him as an officer of the international organisation.

2. This Order may be cited as the Diplomatic Privileges (General Amendment) Order in Council, 1950.

1 7 and 8 Geo. 6. c. 44.
2 9 and 10 Geo. 6. c. 66.
3. This Order shall be laid before Parliament. It shall come into operation on the day after it is so laid.
And the Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

E. C. E. Leadbitter

SCHEDULE

   S.R. and O. or S.I. Number 1772 (1947) 1428 (1949)
   The Diplomatic Privileges (Brussels Treaty Permanent Commission) (Amendment No. 2) Order in Council, 1949.
   2253 (1948) 2190 (1949)
   133 (1949) 1049 (1949)
   134 (1949)
   136 (1949)
   834 (1949)
   835 (1949)
   837 (1949)
   1831 (1949)

(e) DIPLOMATIC IMMUNITIES RESTRICTION ACT, 1955
(4 Eliz. 2 CH. 21)

An Act to enable Her Majesty to withdraw personal diplomatic immunities from members of the diplomatic missions of certain foreign sovereign Powers and their families; and to exclude citizens of the United Kingdom and Colonies from the enjoyment of such immunities.
Reciprocal withdrawal of personal immunities

1. (1) If it appears to Her Majesty that the personal immunities conferred by law on the envoys of foreign sovereign Powers accredited to Her Majesty, their families and servants, and members of the official staff of such envoys and their families, exceed in any respect those accorded in the territory of any such Power to an envoy of Her Majesty and persons similarly connected with him, Her Majesty may by Order in Council withdraw the said personal immunities in the case of that Power, to such extent and in respect of such classes of persons as appears to Her Majesty to be proper.

(2) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

(3) Any statutory instrument containing an Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Exclusion of personal immunities in case of citizens of U.K. and Colonies

2. (1) Subject to the provisions of this section, no person being a citizen of the United Kingdom and Colonies shall be entitled to any such personal immunities as are mentioned in section one of this Act.

(2) This section shall not affect any immunity enjoyed by any person by virtue of an office or employment in respect of which he was accepted on behalf of Her Majesty at any time before the passing of this Act.

Interpretation and saving

3. (1) In this Act “personal immunities” means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and inviolability of residence.

11 and 12 Geo. 6. c. 56

(2) Nothing in this Act, or in any Order in Council made thereunder, shall affect the operation of any enactment which confers or makes provision for conferring on any class of persons immunities corresponding with any such personal immunities as are mentioned in section one of this Act; and any such Order in Council shall be disregarded for the purposes of paragraph (a) of the proviso to section four of the British Nationality Act, 1948 (which relates to the citizenship of the children of certain persons possessing immunity from suit and legal process).

Short title

4. This Act may be cited as the Diplomatic Immunities Restriction Act, 1955.

(f) Finance Act, 1956 (4 and 5 Eliz. 2 CH. 54)

PART I. CUSTOMS, EXCISE AND PURCHASE TAX

Customs and excise

Exemption from customs duties of films produced by the United Nations

6. If the importer of any goods, being films, film-strips, microfilms or sound recordings produced by the United Nations or one of its specialised
agencies, makes an application in that behalf to the Commissioners of Customs and Excise before delivery of the goods from customs charge, the Commissioners on being furnished by the importer with a certificate issued by the United Nations or one of those agencies to the effect that the goods have been so produced and are of an educational, scientific or cultural character, shall remit or repay any duty of customs chargeable on the goods in respect of:

(a) The duties chargeable under Part I of the Import Duties Act, 1932; or
(b) The duties chargeable on silk or artificial silk or articles made wholly or in part of silk or artificial silk; or
(c) The duties chargeable under the Safeguarding of Industries Act, 1921.

(g) Copyright Act, 1956 (4 and 5 Eliz. 2 CH. 74)

PART V. EXTENSION OR RESTRICTION OF OPERATION OF ACT

Provisions as to international organisations

33. (1) Where it appears to Her Majesty that one or more sovereign Powers, or the government or governments thereof, are members of an organisation, and that it is expedient that the provisions of this section should apply to that organisation, Her Majesty may by Order in Council declare that the organisation is one to which this section applies.

(2) Where an original literary, dramatic, musical or artistic work is made by or under the direction or control of an organisation to which this section applies in such circumstances that —

(a) Copyright would not subsist in the work apart from this subsection, but

(b) If the author of the work had been a British subject at the time when it was made, copyright would have subsisted in the work immediately after it was made and would thereupon have vested in the organisation, copyright shall subsist in the work as if the author had been a British subject when it was made, that copyright shall continue to subsist so long as the work remains unpublished, and the organisation shall, subject to the provisions of this Act, be entitled to that copyright.

(3) Where an original literary, dramatic, musical or artistic work is first published by or under the direction or control of an organisation to which this section applies, in such circumstances that, apart from this subsection, copyright does not subsist in the work immediately after the first publication thereof, and either:

(a) The work is so published in pursuance of an agreement with the author which does not reserve to the author the copyright (if any) in the work, or

(b) The work was made in such circumstances that, if it had been first published in the United Kingdom, the organisation would have been entitled to the copyright in the work, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) as if it had been first published in the United Kingdom, that copyright shall subsist
until the end of the period of fifty years from the end of the calendar year in which the work was first published, and the organisation shall, subject to the provisions of Part VI of this Act, be entitled to that copyright.

(4) The provisions of Part I of this Act, with the exception of provisions thereof relating to the subsistence, duration or ownership of copyright, shall apply in relation to copyright subsisting by virtue of this section as they apply in relation to copyright subsisting by virtue of the said Part I.

(5) An organisation to which this section applies which otherwise has not, or at some material time otherwise had not, the legal capacities of a body corporate shall have, and shall be deemed at all material times to have had, the legal capacities of a body corporate for the purpose of holding, dealing with and enforcing copyright and in connection with all legal proceedings relating to copyright.

(h) British Nationality Act, 1958 (6 and 7 Eliz. 2 CH. 10)

3. (1) . . .

(2) A person may be registered as a citizen of the United Kingdom and Colonies under subsection (1) of section six of the principal Act (which makes permanent provision for so registering a British subject or citizen of the Republic of Ireland ordinarily resident in the United Kingdom or in Crown service under Her Majesty's government in the United Kingdom), if:

(a) He is serving either:
    (i) Under an international organisation of which Her Majesty's government in the United Kingdom is a member; or
    (ii) In the employment of a society, company or body of persons established in the United Kingdom; and

(b) He would be entitled to be so registered if the period during which he has been in that service had been a period of ordinary residence in the United Kingdom; and

(c) It seems to the Secretary of State fitting that he should be so registered by reason of his close connection with the United Kingdom and Colonies.

In relation to registration in a colony, protectorate or United Kingdom trust territory under subsection (1) of section six of the said section six as applied by subsection (1) of section eight of the principal Act, this subsection shall have effect with the substitution of references to that colony, protectorate or territory for the references to the United Kingdom in subparagraph (ii) of paragraph (a) and in paragraph (b), and of a reference to the governor for the reference to the Secretary of State.

(3) This section shall come into operation at the end of two months beginning with the date of the passing of this Act.

5. (1) . . .

11 and 12 Geo. 6. c. 56.

(2) In this Act "the principal Act" means the British Nationality Act, 1948, and Part III of that Act (which contains supplemental provisions)
shall have effect as if any reference in it to that Act, except one referring to
the date of the commencement of that Act, included a reference to this Act.

(3) For the purposes of the principal Act references to an international
organisation of which Her Majesty’s government in the United Kingdom
is a member (including the reference in subsection (2) of section three of this
Act) shall have effect, and be deemed always to have had effect, as references
to international organisations of which the United Kingdom or Her Majesty’s
government therein is a member, and any reference to an international
organisation of which the government of any part of Her Majesty’s dominions
is a member shall be similarly construed.

United States of America

A. — Federal Laws, Regulations, etc.

1. — Laws

(a) INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

December 29, 1945 [H.R. 4489] [Public Law 291]

An Act to extend certain privileges, exemptions, and immunities to
international organizations and to the officers and employees thereof, and
for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of
America in Congress assembled,

TITLE I

Withholding, etc. of privileges, exemptions, and immunities. — Revocation of
designation: effect

Section 1. For the purposes of this title, the term “international organi-
zation” means a public international organization in which the United
States participates pursuant to any treaty or under the authority of any Act
of Congress authorizing such participation or making an appropriation for
such participation, and which shall have been designated by the President
through appropriate Executive order as being entitled to enjoy the privileges,
exemptions, and immunities herein provided. The President shall be author-
zized, in the light of the functions performed by any such international orga-
nization, by appropriate Executive order to withhold or withdraw from any
such organization or its officers or employees any of the privileges, exempt-
ions, and immunities provided for in this title (including the amendments
made by this title) or to condition or limit the enjoyment by any such
organization or its officers or employees of any such privilege, exemption, or
immunity. 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
herein provided or for any other reason, at any time to revoke the designation
of any international organization under this section, whereupon the inter-
national organization in question shall cease to be classed as an international
organization for the purposes of this title.

Section 2. International organizations shall enjoy the status, immunities,
exemptions, and privileges set forth in this section, as follows:
Powers

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

(i) To contract;
(ii) To acquire and dispose of real and personal property;
(iii) To institute legal proceedings.

Immunity from suit and judicial process

(b) International organizations, their property and their assets, wherever located, and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by 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.

Immunity from search and confiscation

(c) 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.

Privileges, etc., as accorded foreign governments

(d) Insofar as concerns 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 those accorded under similar circumstances to foreign governments.

Baggage and effects of designated alien personnel

Section 3. Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, 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.

Internal Revenue Code, amendments

Section 4. The Internal Revenue Code is hereby amended as follows:

53 Stat. 48. 26 U.S.C. sec. 116 (c)

(a) Effective with respect to taxable years beginning after December 31, 1943, section 116 (c), relating to the exclusion from gross income of income of foreign governments, is amended to read as follows:

"(c) Income of foreign Governments and of International Organizations. — The income of foreign governments or international organizations received from investments in the United States, in stocks, bonds, or other domestic securities, owned by such foreign governments or by international organizations, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments or international organizations, or from any other source within the United States."
(b) Effective with respect to taxable years beginning after December 31, 1943, section 116 (h) (1), relating to the exclusion from gross income of amounts paid employees of foreign governments, is amended to read as follows:

"(1) Rule for Exclusion. — Wages, fees, or salary of any employee of a foreign government or of an international organization or of the Commonwealth of the Philippines (including a consular or other officer, or a non-diplomatic representative), received as compensation for official services to such government, international organization, or such Commonwealth —

"(A) If such employee is not a citizen of the United States, or is a citizen of the Commonwealth of the Philippines (whether or not a citizen of the United States); and

"(B) If, in the case of an employee of a foreign government or of the Commonwealth of the Philippines, the services are of a character similar to those performed by employees of the Government of the United States in foreign countries or in the Commonwealth of the Philippines, as the case may be; and

"(C) If, in the case of an employee of a foreign government or the Commonwealth of the Philippines, the foreign government or the Commonwealth grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country or such Commonwealth, as the case may be."


(c) Effective January 1, 1946, section 1426 (b), defining the term "employment" for the purposes of the Federal Insurance Contributions Act, is amended (1) by striking out the word "or" at the end of paragraph (14), (2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon and the word "or", and (3) by inserting at the end of the subsection the following new paragraph:

"(16) Service performed in the employ of an international organization."

53 Stat. 187, 1395. 26 U.S.C. sec. 1607 (c)

(d) Effective January 1, 1946, section 1607 (c), defining the term "employment" for the purposes of the Federal Unemployment Tax Act, is amended (1) by striking out the word "or" at the end of paragraph (14), (2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon and the word "or", and (3) by inserting at the end of the subsection the following new paragraph:

"(16) Service performed in the employ of an international organization."


(e) Section 1621 (a) (5), relating to the definition of "wages" for the purpose of collection of income tax at the source, is amended by inserting after the words "foreign government" the words "or an international organization".
Section 3466 (a), relating to exemption from communications taxes is amended by inserting immediately after the words "the District of Columbia" a comma and the words "or an international organization".

Section 3469 (f) (1), relating to exemption from the tax on transportation of persons, is amended by inserting immediately after the words "the District of Columbia" a comma and the words "or an international organization".

Section 3475 (b) (1), relating to exemption from the tax on transportation of property, is amended by inserting immediately after the words "the District of Columbia" a comma and the words "or an international organization".

Section 3797 (a), relating to definitions, is amended by adding at the end thereof a new paragraph as follows:

"(18) International Organization. — The term 'international organization' means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act."

Section 5. (a) Effective January 1, 1946, section 209 (b) of the Social Security Act, defining the term "employment" for the purposes of title II of the Act, is amended (1) by striking out the word "or" at the end of paragraph (14), (2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon and the word "or", and (3) by inserting at the end of the subsection the following new paragraph:

"(16) Service performed in the employ of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act."


(b) No tax shall be collected under title VIII or IX of the Social Security Act or under the Federal Insurance Contributions Act or the Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of section 1426 (b) and 1607 (c) of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any) shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. No payment shall be made under title II of the Social Security Act with respect to services rendered prior to January 1,
1946, which are described in paragraph (16) of section 209 (b) of such Act, as amended. [Supra.]

Property taxes

Section 6. International organizations shall be exempt from all property taxes imposed by, or under the authority of, any Act of Congress, including such Acts as are applicable solely to the District of Columbia or the Territories.

Representatives, etc. — Privileges, exemptions, and immunities

Section 7. (a) 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 nationals of the United States, shall, insofar as concerns laws regulating entry into and departure from the United States, alien registration and fingerprinting, and the registration of foreign agents, be entitled to the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families.

Immunity from suit and legal process

(b) 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.

Immigration Act of 1924, amendments. 43 Stat. 154

(c) Section 3 of the Immigration Act approved May 26, 1924, as amended (U.S.C., title 8, sec. 203), is hereby amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “and (7) a representative of a foreign government in or to an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act, or an alien officer or employee of such an international organization, and the family, attendants, servants, and employees of such a representative, officer, or employee”.

43 Stat. 162

(d) Section 15 of the Immigration Act approved May 26, 1924, as amended (U.S.C., title 8, sec. 215), is hereby amended to read as follows:

Admission of certain aliens. — Supra. — 43 Stat. 155. 8 U.S.C., sec. 204 (e). — Foreign government officials, etc.

“Section 15. The admission to the United States of an alien excepted from the class of immigrants by clause (1), (2), (3), (4), (5), (6), or (7) of section 3, or declared to be a nonquota immigrant by subdivision (e) of section 4, shall be for such time and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clause (2), (3), (4), or (6) of section 3 and subdivision (e) of section 4, the giving of bond with sufficient surety, in such sum and
containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States: Provided, That no alien who has been, or who may hereafter be, admitted into the United States under clause (1) of (7) or section 3, as an official of a foreign government, or as a member of the family of such official, or as a representative of a foreign government in or to an international organization or an officer or employee of an international organization, or as a member of the family of such representative, officer, or employee, shall be required to depart from the United States without the approval of the Secretary of State.”

**Requirements for benefits**

*Section 8.* (a) No person shall be entitled to the benefits of this title unless he (1) shall have been duly notified to and accepted by the Secretary of State as a representative, officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective representative, officer, or employee; or (3) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers, or employees.

**Undesirable persons**

(b) Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of this title 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 Secretary of State, to depart from the United States, he shall cease to be entitled to such benefits.

**Diplomatic status**

(c) No person shall, by reason of the provisions of this title, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein.

**Benefits not conditioned upon reciprocity. — Rights reserved**

*Section 9.* The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their families, suites, and servants, provided for in this title, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: Provided, That nothing contained in this title shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States.

**Citation of title**

*Section 10.* This title may be cited as the “International Organizations Immunities Act”.
JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO BRING INTO EFFECT AN AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED NATIONS FOR THE PURPOSE OF ESTABLISHING THE PERMANENT HEADQUARTERS OF THE UNITED NATIONS IN THE UNITED STATES AND AUTHORIZING THE TAKING OF MEASURES NECESSARY TO FACILITATE COMPLIANCE WITH THE PROVISIONS OF SUCH AGREEMENT, AND FOR OTHER PURPOSES, APPROVED AUGUST 4, 1947 (PUBLIC LAW 357, 80TH CONGRESS, 1ST SESSION, 61 STAT. 756)


Whereas the Charter of the United Nations was signed on behalf of the United States on June 26, 1945, and was ratified on August 8, 1945, by the President of the United States, by and with the advice and consent of the Senate, and the instrument of ratification of the said Charter was deposited on August 8, 1945; and

Whereas the said Charter of the United Nations came into force with respect to the United States on October 24, 1945; and

59 Stat. 1053

Whereas article 104 of the Charter provides that "The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes"; and

59 Stat. 1053

Whereas article 105 of the Charter provides that:

"1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

"2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

"3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this article or may propose conventions to the Members of the United Nations for this purpose"; and

59 Stat. 1041

Whereas article 28 and other articles of the Charter of the United Nations contemplate the establishment of a seat for the permanent headquarters of the Organization; and

Whereas the interim arrangements concluded on June 26, 1945, by the governments represented at the United Nations Conference on International Organization instructed the Preparatory Commission established in pursuance of the arrangements to "make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization"; and
Whereas during the labors of the said Preparatory Commission, the Congress of the United States in H. Con. Res. 75, passed unanimously by the House of Representatives December 10, 1945, and agreed to unanimously by the Senate December 11, 1945, invited the United Nations "to locate the seat of the United Nations Organization within the United States"; and

Whereas the General Assembly on December 14, 1946, resolved "that the permanent headquarters of the United Nations shall be established in New York City in the area bounded by First Avenue, East Forty-eighth Street, the East River, and East Forty-second Street"; and

Whereas the General Assembly resolved on December 14, 1946, "That the Secretary-General be authorized to negotiate and conclude with the appropriate authorities of the United States of America an agreement concerning the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in the city of New York" and to be guided in these negotiations by the provisions of a preliminary draft agreement which had been negotiated by the Secretary-General and the Secretary of State of the United States; and

Whereas the General Assembly resolved on December 14, 1946, that pending the coming into force of the agreement referred to above "the Secretary-General be authorized to negotiate and conclude arrangements with the appropriate authorities of the United States of America to determine on a provisional basis the privileges, immunities, and facilities needed in connection with the temporary headquarters of the United Nations"; and

Whereas the Secretary of State of the United States, after consultation with the appropriate authorities of the State and city of New York, signed at Lake Success, New York, on June 26, 1947, on behalf of the United States an agreement with the United Nations regarding the headquarters of the United Nations, which agreement is incorporated herein; and

Whereas the aforesaid agreement provides that it shall be brought into effect by an exchange of notes between the United States and the Secretary-General of the United Nations; Therefore be it

Authority to bring agreement into effect on part of U.S. — Supplemental agreements. — Approval of Congress. — Post. p. 759

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to bring into effect on the part of the United States the agreement between the United States of America and the United Nations regarding the headquarters of the United Nations, signed at Lake Success, New York, on June 26, 1947 (hereinafter referred to as the "agreement"), with such changes therein not contrary to the general tenor thereof and not imposing any additional obligations on the United States as the President may deem necessary and appropriate, and at his discretion, after consultation with the appropriate State and local authorities, to enter into such supplemental agreements with the United Nations as may be necessary to fulfill the purposes of the said agreement: Provided, That any supplemental agreement entered into pursuant to section 5 of the agreement incorporated herein shall be submitted to the Congress for approval. The agreement follows:
AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

(For the text of this agreement, see the Second Part of this volume)

2. — Executive Orders and Administrative Regulations


By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (Public Law 291, 79th Congress), and having found that the United States participates in the following-named international organizations pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation therefor, I hereby designate such organizations as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said International Organizations Immunities Act:

The Food and Agriculture Organization;
The International Labor Organization;
The Pan American Union;
The United Nations.

With respect to the designation of such other international organizations as may be entitled to the privileges, exemptions, and immunities conferred by the said Act, the Department of State is hereby designated as the agency to receive applications for the granting of such privileges, exemptions, and immunities. The Secretary of State shall require such information as he may deem necessary from the international organizations making such applications, and shall submit recommendations to the President as to whether the applicant organizations should be designated as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said Act.


PART 1611 — DUTY AND RESPONSIBILITY TO REGISTER

Section 1611.2 — Persons not required to be registered

(b) A male alien who is now in or who hereafter enters the United States and who has not been admitted for permanent residence in the United States shall not be required to be registered under section 3 of title I

1 Other U.S. Executive Orders designating additional international organizations entitled to enjoy the privileges, exemptions and immunities conferred by the International Organizations Immunities Act, will be published in the next volume of the United Nations Legislative Series (ST/LEG/SER.B/11) relating to the specialized agencies and a number of other intergovernmental international organizations.
of the Universal Military Training and Service Act, as amended, and shall be relieved from liability for training and service under section 4 of said Act, provided:

(2) He is a full-time official or employee of a public international organization which has been designated by the President under the provisions of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), or a member of the family of any such person;

(3) He is a person who has entered the United States and remains therein pursuant to the provisions of section 11 of the Agreement between the United Nations and the United States of America Regarding the Headquarters of the United Nations as approved in Public Law 357, 80th Congress, approved August 4, 1947 (61 Stat. 756);

(9) He is a person who has entered the United States and remains therein pursuant to the provisions of the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces, or the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, or the Protocol on the Status of International Military Headquarters Set up Pursuant to the North Atlantic Treaty.

(c) Code of Federal Regulations, Title 26. — Internal Revenue, 1954 (Revised as of January 1, 1959)

§ 1.892 Statutory provisions; income of foreign governments and of international organizations.

Sec. 892. Income of foreign governments and of international organizations. The income of foreign governments or international organizations received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments or by international organizations, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments or international organizations, or from any other source within the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.


§ 1.892-1 Income of foreign governments and international organizations — (a) Foreign governments. The exemption of the income of foreign governments applies also to their political subdivisions. Any income collected by foreign governments from investments in the United States in stocks, bonds, or other domestic securities which are not actually owned by, but are loaned to, such foreign governments is subject to tax.

(b) International organizations — (1) Exempt from tax. Subject to the provisions of section 1 of the International Organizations Immunities Act (the provisions of which section are set forth in paragraph (b) (3) of § 1.893-1), the income of an international organization (as defined in section 7701 (a) (18)) received from investments in the United States in stocks, bonds, or other domestic securities, owned by such international organization, or from interest on deposits in banks in the United States of moneys belonging to
such international organization, or from any other source within the United States, is exempt from Federal income tax.

(2) Income received prior to Presidential designation. An organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act may enjoy the benefits of the exemption with respect to income of the prescribed character received by such organization prior to the date of the issuance of such Executive order, if (i) the Executive order does not provide otherwise and (ii) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation for such participation, at the time such income is received.


§ 1.893 Statutory provisions; compensation of employees of foreign governments or international organizations.

Sec. 893. Compensation of employees of foreign governments or international organizations — (a) Rule for exclusion. Wages, fees, or salary of any employee of a foreign government or of an international organization (including a consular or other officer, or a nondiplomatic representative), received as compensation for official services to such government or international organization shall not be included in gross income and shall be exempt from taxation under this subtitle if —

(1) Such employee is not a citizen of the United States, or is a citizen of the Republic of the Philippines (whether or not a citizen of the United States); and

(2) In the case of an employee of a foreign government, the services are of a character similar to those performed by employees of the Government of the United States in foreign countries; and

(3) In the case of an employee of a foreign government, the foreign government grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country.

(b) Certificate by Secretary of State. The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign countries which grant an equivalent exemption to the employees of the Government of the United States performing services in such foreign countries, and the character of the services performed by employees of the Government of the United States in foreign countries.


§ 1.893-1 Compensation of employees of foreign governments or international organizations — (a) Employees of foreign governments — (1) Exempt from tax. Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, all employees of a foreign government (including consular or other officers, or nondiplomatic representatives) who are not citizens of the United States or are citizens of the Republic of the Philippines (whether or not citizens of the United States), are exempt from Federal income tax with respect to wages, fees, or salaries received by them as compensation for official services rendered to such foreign government, provided (i) the
services are of a character similar to those performed by employees of the Government of the United States in that foreign country and (ii) the foreign government whose employees are claiming exemption grants an equivalent exemption to employees of the Government of the United States performing similar services in that foreign country.

(2) Certificate by Secretary of State. Section 893 (b) provides that the Secretary of State shall certify to the Secretary of the Treasury the names of the foreign countries which grant an equivalent exemption to the employees of the Government of the United States performing services in such foreign countries, and the character of the services performed by employees of the Government of the United States in foreign countries.

(3) Items not exempt. The income received by employees of foreign governments from sources other than their salaries, fees, or wages, referred to in subparagraph (1) of this paragraph, is subject to Federal income tax.

(4) Immigration and Nationality Act. Section 247 (b) of the Immigration and Nationality Act provides as follows:

(b) The adjustment of status required by subsection (a) [of section 247 of the Immigration and Nationality Act] shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a).

(5) Effect of waiver. An employee of a foreign government who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 893 of the Internal Revenue Code of 1954. As a consequence, that exemption does not apply to income received by that alien after the date of filing of the waiver.

(6) Citizens of the United States. The compensation of citizens of the United States (other than those who are also citizens of the Republic of the Philippines) who are officers or employees of a foreign government is not exempt from income tax pursuant to this paragraph. But see section 911 and the regulations thereunder.

(b) Employees of international organizations — (1) Exempt from tax. Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act and subject to the provisions of sections 1, 8, and 9 of the International Organizations Immunities Act, wages, fees, or salary of any officer or employee of an international organization (as defined in section 7701 (a) (18) ) received as compensation for official services to that international organization is exempt from Federal income tax, if that officer or employee (i) is not a citizen of the United States or (ii) is a citizen of the Republic of the Philippines (whether or not a citizen of the United States).

(2) Income earned prior to executive action. An individual of the prescribed class who receives wages, fees, or salary as compensation for official services to an organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities
provided in the International Organizations Immunities Act and who has been duly notified to, and accepted by, the Secretary of State as an officer or employee of that organization, or who has been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective officer or employee of that organization, may enjoy the benefits of the exemption with respect to compensation of the prescribed character earned by that individual, either prior to the date of the issuance of the Executive order, or prior to the date of the acceptance or designation by the Secretary of State, for official services to that organization, if (i) the Executive order does not provide otherwise, (ii) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation for such participation, at the time the compensation is earned, and (iii) the individual is an officer or employee of that organization at that time.

(3) *International Organizations Immunities Act.* Sections 1, 8, and 9 of the International Organizations Immunities Act provide in part as follows:

Section 1. For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. 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 herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, where-upon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

Sec. 8. (a) No person shall be entitled to the benefits of this title [International Organizations Immunities Act] unless he (1) shall have been duly notified to and accepted by the Secretary of State as a ** officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective ** officer, or employee; **.

(b) Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of this title is not desirable, he shall so inform the ** international organization concerned, and after such person shall have had a reasonable length of time, to be determined by the Secretary of State, to depart from the United States, he shall cease to be entitled to such benefits.
(c) No person shall, by reason of the provisions of this title, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein.

Sec. 9. The privileges, exemptions, and immunities of international organizations and of their officers and employees provided for in this title [International Organizations Immunities Act], shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: Provided, That nothing contained in this title shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States.

(4) Effect of waiver. An officer or employee of an international organization who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 893 of the Internal Revenue Code of 1954. As a consequence, that exemption does not apply to income received by that individual after the date of filing of the waiver.

(5) Citizens of the United States. The compensation of citizens of the United States (other than those who are also citizens of the Republic of the Philippines) who are officers or employees of an international organization is not exempt from income tax pursuant to this paragraph. But see section 911 and the regulations thereunder.

(c) Tax conventions, consular conventions, and international agreements — (1) Exemption dependent upon internal revenue laws. A tax convention or consular convention between the United States and a foreign country, which provides that the United States may include in the tax base of its residents all income taxable under the internal revenue laws, and which makes no specific exception for the income of the employees of that foreign government, does not provide any exemption (with respect to residents of the United States) beyond that which is provided by the internal revenue laws. Accordingly, the effect of the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act by an employee of a foreign government which is a party to such a convention is to subject the employee to tax to the same extent as provided in paragraph (a) (5) of this section with respect to the waiver of exemption under section 893.

(2) Exemption not dependent upon internal revenue laws. If a tax convention, consular convention, or international agreement provides that compensation paid by the foreign government or international organization to its employees is exempt from Federal income tax, and the application of this exemption is not dependent upon the provisions of the internal revenue laws, the exemption so conferred is not affected by the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act. For examples of exemptions which are not affected by the Immigration and Nationality Act, see article X of the income tax convention between the United States and the United Kingdom (60 Stat. 1383); article IX, section 9 (b), of the Articles of Agreement of the International Monetary Fund (60 Stat. 1414); and article VII, section 9 (b), of the Articles of Agreement of
the International Bank for Reconstruction and Development (60 Stat. 1458).

(d) Code of Federal Regulations, Title 19. — Customs Duties
(Revised 1953)

Public International Organizations

§ 10.30a Organizations included. (a) The President, by virtue of the
authority vested in him by section 1 of The International Organizations
Immunities Act of December 20, 1945 (22 U. S. C. 288) ¹ has designated
certain organizations as public international organizations entitled to the
free entry privileges of that statute. The following is a list of the public inter-
national organizations currently entitled to such free entry privileges and
the Executive orders by which they were designated:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Executive Order</th>
<th>Date</th>
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<tbody>
<tr>
<td>Caribbean Commission</td>
<td>10025</td>
<td>Dec. 30, 1948</td>
</tr>
<tr>
<td>Food and Agriculture Organization</td>
<td>9698</td>
<td>Feb. 19, 1946</td>
</tr>
<tr>
<td>Inter-American Defense Board</td>
<td>10228</td>
<td>Mar. 26, 1951</td>
</tr>
<tr>
<td>Inter-American Institute of Agricultural Sciences</td>
<td>9751</td>
<td>July 11, 1946</td>
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<td>Inter-American Statistical Institute</td>
<td>9751</td>
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<td>International Bank for Reconstruction and Develop-</td>
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<tr>
<td>International Civil Aviation Organization</td>
<td>9863</td>
<td>May 31, 1947</td>
</tr>
<tr>
<td>International Cotton Advisory Committee</td>
<td>9911</td>
<td>Dec. 19, 1947</td>
</tr>
<tr>
<td>International Joint Commission—United States and</td>
<td>9972</td>
<td>June 25, 1948</td>
</tr>
<tr>
<td>Canada</td>
<td>9698</td>
<td>Feb. 19, 1946</td>
</tr>
<tr>
<td>International Labor Organization</td>
<td>9751</td>
<td>July 11, 1946</td>
</tr>
</tbody>
</table>

¹ "For the purposes of this title, the term ‘international organization’ means
a public international organization in which the United States participates
pursuant to any treaty or under the authority of any Act of Congress authorizing
such participation or making an appropriation for such participation, and which
shall have been designated by the President through appropriate Executive
order as being entitled to enjoy the privileges, exemptions, and immunities
herein provided. The President shall be authorized, in the light of the functions
performed by any such international organization, by appropriate Executive
order to withhold or withdraw from any such organization or its officers or
employees any of the privileges, exemptions, and immunities provided for in its
title (including the amendments made by this title) or to condition or limit
the enjoyment by any such organization or its officers or employees of any such
privilege, exemption, or immunity. The President shall be authorized, if in his
judgment such action should be justified by reason of the abuse by an inter-
national organization or its officers and employees of the privileges, exemptions,
and immunities herein provided or for any other reason, at any time to revoke
the designation of any international organization under this section, whereupon
the international organization in question shall cease to be classed as an inter-
national organization for the purposes of this title." (Sec. 1, 59 Stat. 669; 22
U. S. C. 288)

² Customs exemptions have also been prescribed for the International
Monetary Fund and the International Bank for Reconstruction and Develop-
International Refugee Organization (Successor to Preparatory Commission for the International Refugee Organization) 9887 Aug. 22, 1947
International Telecommunication Union 9863 May 31, 1947
International Wheat Advisory Committee (International Wheat Council) 9823 Jan. 24, 1947
Organization for European Economic Cooperation 10133 June 27, 1950
Pan American Sanitary Bureau 9761 July 11, 1946
Pan American Union 9698 Feb. 19, 1946
Provisional Intergovernmental Committee for the Movement of Migrants from Europe 10335 Mar. 28, 1952
South Pacific Commission 10086 Nov. 25, 1949
United Nations 9698 Feb. 19, 1946
United Nations Educational, Scientific, and Cultural Organization 9863 May 31, 1947
World Health Organization 10025 Dec. 30, 1948

(b) Pursuant to sections 2 (d) and 3 of the act, property of the organizations named in paragraph (a) of this section and the baggage and effects of the alien officers and employees thereof, 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 free of duties and internal-revenue taxes imposed upon or by reason of importation, but such exemption shall be granted only upon the receipt in each instance of the Department's instructions which will be issued only upon the request of the Department of State.

(c) The term "baggage and effects" as used in section 3 of the act includes all articles which were in the possession abroad, and are being imported in connection with the arrival, of a person entitled to the benefits of the act and which are intended for his bona fide personal or household use, but does not include articles imported as an accommodation to others or for sale or other commercial use.

(d) All articles accorded free entry under the act shall be entered or withdrawn in accordance with the requirements prescribed by the Tariff Act of 1930, as amended, and the regulations thereunder.

(e) No certified or other customs invoices shall [not] be required for articles accorded free entry under the act.

1 "In so far as concerns 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 those accorded under similar circumstances to foreign governments." (Sec. 2 (d), 59 Stat. 669; 22 U. S. C. 288a (d))

"Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, 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." (Sec. 3, 59 Stat. 669; 22 U. S. C. 288b)
Any customs bond which may be required from one of the organizations named in paragraph (a) of this section in connection with the importation or entry of merchandise into, or the exportation of merchandise from, the United States may be accepted without surety.

The provisions of the act are applicable, in so far as duties and internal revenue taxes imposed upon or by reason of importation are concerned, only with respect to articles entered, or withdrawn from warehouse, for consumption on and after December 29, 1945.

§ 10.30b Baggage of, and importations for, certain representatives of the United Nations, of specialized agencies of the United Nations, and of the Organization of American States. (a) The privilege of admission free of duty and internal-revenue tax without entry or examination may be extended to the baggage and effects of (1) every person designated by a United Nations Member nation as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary, (2) such resident members of their staffs as may be agreed upon between the Secretary-General of the United Nations, the Government of the United States, and the Government of the United Nations Member concerned, (3) every person designated by a United Nations Member of a specialized United Nations agency as its principal resident representative, with the rank of ambassador or minister plenipotentiary, at the headquarters of such agency in the United States, (4) such other principal resident representatives of United Nations Members to a specialized United Nations agency and such resident members of the staffs of representatives to a specialized United Nations agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States, and the Government of the United Nations Member concerned, (5) any person designated by a Member of the Organization of American States as its representative or interim representative on the council of the Organization of American States, and (6) all other permanent members of the Delegation of a Member of the Organization of American States regarding whom there is agreement for that purpose between the Government of the Member State concerned, the Secretary-General of the Organization of American States, and the Government of the United States of America.

(b) The privilege of importing without entry and free of duty and internal-revenue tax articles for their personal or family use may be granted to persons of the classes enumerated in paragraph (a) of this section.

(c) The privileges outlined in the two preceding paragraphs shall be granted only upon the Department's instruction in each instance, which will be issued only upon the request of the Department of State.
3. — Opinions of the Attorney General


An alien admitted for permanent residence, and employed by an international organization or foreign mission must, in order to retain his immigrant status and prevent reclassification as nonimmigrant, file a waiver under section 247 of the Immigration and Nationality Act (66 Stat. 163, 218) of privileges and exemptions accruing to him under any law or Executive order.

Exemption from Federal income taxation, which a noncitizen employee of an international organization may claim under section 116 (h) of the Internal Revenue Code (26 U. S. C. 116 (h)), is waived when he files a waiver under section 247.

Conversely, such a waiver by an immigrant alien employee of the United Nations does not waive immunity from suit and legal process for official acts under section 7 (b) of the International Organization Immunities Act (22 U. S. C. 288d).

In determining whether an occupational privilege or exemption is either retained or lost by an immigrant alien employee of an international organization or foreign mission filing a waiver under section 247, the guiding principle is that such alien employee may not retain and assert privileges which he could not obtain were he an American citizen in similar employment.

May 1, 1953

The Secretary of State

My Dear Mr. Secretary: This is in response to requests from the former Legal Adviser of your Department, Mr. Adrian S. Fisher, and from the present United States Representative to the United Nations, Ambassador Henry Cabot Lodge, Jr., asking for advice on the effect of waivers executed under section 247 of the Immigration and Nationality Act (66 Stat. 163, 218; P. L. 414, 82d Cong.).

Under section 247, the Attorney General is required to adjust the status

1 "Sec. 247. (a) The status of an alien lawfully admitted for permanent residence shall be adjusted by the Attorney General, under such regulations as he may prescribe, to that of a nonimmigrant under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a), if such alien had at the time of entry or subsequently acquires an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under such sections. As of the date of the Attorney General's order making such adjustment of status, the Attorney General shall cancel the record of the alien's admission for permanent residence, and the immigrant status of such alien shall thereby be terminated.

" (b) The adjustment of status required by subsection (a) shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a)."
of an alien lawfully admitted for permanent residence, and thereby enjoying
immigrant status, to that of a nonimmigrant in one of three specified classes
under section 101 (a) of the act \(^1\) (roughly, accredited foreign government
official, representative to or official of an international organization, or
treaty trader), if the alien at the time of entry or thereafter acquires an
occupational status which, were he seeking admission to the United States,
would entitle him to a nonimmigrant status in one of the three classes. The
Attorney General's order of adjustment terminates the alien's immigrant
status.

\(^1\) Section 101 (a) (15) of the act defines the term "immigrant" to mean
every alien except an alien who is within one of the classes of nonimmigrants
described in subsections (A) to (I), inclusive, of that section. The three sub-
sections referred to in section 247 read as follows:

" (A) (i) An ambassador, public minister, or career diplomatic or consular
office who has been accredited by a foreign government recognized de jure
by the United States and who is accepted by the President or by the Secretary
of State, and the members of the alien's immediate family;

" (ii) Upon a basis of reciprocity, other officials and employees who have
been accredited by a foreign government recognized de jure by the United
States, who are accepted by the Secretary of State, and the members of their
immediate families; and

" (iii) Upon a basis of reciprocity, attendants, servants, personal employees,
and members of their immediate families, of the officials and employees who
have a nonimmigrant status under (i) and (ii) above;

... (E) An alien entitled to enter the United States under and in pursuance
of the provisions of a treaty of commerce and navigation between the United
States and the foreign state of which he is a national, and the spouse and
children of any such alien if accompanying or following to join him: (i) solely
to carry on substantial trade, principally between the United States and the
foreign state of which he is a national; or (ii) solely to develop and direct the
operations of an enterprise in which he has invested, or of an enterprise in
which he is actively in the process of investing, a substantial amount of capital;

" ... (G) (i) A designated principal resident representative of a foreign govern-
ment recognized de jure by the United States, which foreign government is a
member of an international organization entitled to enjoy privileges, exemptions,
and immunities as an international organization under the International
Organizations Immunities Act (59 Stat. 669), accredited resident members
of the staff of such representatives, and members of his or their immediate
family;

" (ii) Other accredited representatives of such a foreign government to
such international organizations, and the members of their immediate
families;

" (iii) An alien able to qualify under (i) or (ii) above except for the fact
that the government of which such alien is an accredited representative is
not recognized de jure by the United States, or that the government of which
he is an accredited representative is not a member of such international
organization, and the members of his immediate family;

" (iv) Officers, or employees of such international organizations, and the
members of their immediate families;

" (v) Attendants, servants, and personal employees of any such representa-
tive officer, or employee, and the members of the immediate families of
such attendants, servants, and personal employees ..."
However, as provided in section 247 (b), the alien may avoid the loss of and retain his immigrant status, even though he is in one of the three classes of occupations, if he files with the Attorney General a written waiver of “all rights, privileges, exemptions, and immunities under any law or any executive order” which would otherwise accrue to him because of his occupational status. The Attorney General’s regulations (Title 8, Part 247, effective December 24, 1952, 17 F. R. 11520) and the prescribed waiver (Form I-508) follow the quoted language of the statute; and the general question is, what are the rights, privileges, exemptions, and immunities surrendered by the immigrant alien who is in one of the three occupational classes and files a waiver? More specifically, as Ambassador Lodge’s inquiry indicates, the chief concern, in the case of international organizations like the United Nations, is the effect of such waivers on the immunity of officials of the organization from legal process relating to acts performed by them in their official capacity, and the immunity of employees from income taxation on salaries paid by the organization.

The Congress in drafting section 247, and in the legislative history of the Immigration and Nationality Act, made no attempt to list the rights, privileges, exemptions, and immunities it had in mind. However, it did leave in the legislative history, an indication of the kind of rights and privileges it felt should be and would be waived by the immigrant alien employed by an international organization or a foreign diplomatic mission if he wished to retain both his immigrant status and his occupation. Based upon these references, we are in a position to offer some general advice on the effect of a waiver under section 247 (b), but must leave to future administrative or judicial rulings the precise effect of individual waivers in the variety of situations that may arise.

The bill which became the Immigration and Nationality Act (H. R. 5678, 82d Cong.) was one of a number introduced as the result of an investigation and study of the entire immigration and naturalization system by the Senate Committee on the Judiciary, pursuant to Senate Resolution 137 of the 80th Congress. In its report on the investigation made to the 81st Congress, the Committee considered the status of the various classes of nonimmigrants and made five recommendations for changes in the immigration laws relating to accredited officials of foreign governments and representatives and officials of international organizations. These recommendations, it stated, would not “in its opinion jeopardize the conduction [sic] of the foreign relations of the United States.” S. Report 1515, 81st Cong., page 523. The fifth of these recommendations reads as follows:

5. It is also recommended that provision be made for the adjustment of the status of a lawfully admitted permanent alien resident to that of a nonimmigrant admitted under the foreign government official or international-organization category where the alien acquires an occupational status which would entitle him to such nonimmigrant status if he were applying for admission. The subcommittee recommends that since such persons acquire the wide privileges, exemptions, and immunities applicable to such aliens under our laws, they should not have the privilege of acquiring citizenship while in that occupational status.” S. Report 1515, 81st Cong., page 525.

This recommendation might have been carried out by including a provision of law depriving of their immigrant status immigrants who acquired the privileges, exemptions, and immunities attaching to their occupations,
Instead, the 82d Congress took a less severe course and, in adopting section 247, gave immigrants in those occupations a choice of retaining privileges and surrendering immigrant status or of waiving privileges and keeping immigrant status.

In so doing, both the House and Senate Committee said: "In section 247, the Attorney General is required to adjust the status of immigrants who, subsequent to entry, acquire an occupational status which would entitle them to a nonimmigrant status . . .

This is intended to cover the situation where aliens who have entered as immigrants obtain employment with foreign diplomatic missions or international organizations or carry on the activities of treaty traders. Normally, they would be classified as nonimmigrants and because of the nature of their occupation, would be entitled to certain privileges, immunities, and exemptions. The committee feels that it is undesirable to have such aliens continue in the status of lawful permanent residents and thereby become eligible for citizenship, when, because of their occupational status they are entitled to certain privileges, immunities, and exemptions which are inconsistent with an assumption of the responsibilities of citizenship under our laws. Such an adjustment shall not be required if the alien executes an effective waiver of all rights, privileges, exemptions, and immunities under any law or any Executive order which would otherwise accrue to him because of his occupational status." H. Report 1365, 82d Cong., pp. 63-64, S. Report 1137, 82d Cong., page 26. (Italics supplied.)

In other words, the concern was that the assertion of certain privileges and exemptions by immigrants, who were employed by international organizations and foreign missions but who entered this country ostensibly with the idea of becoming citizens, was inconsistent with their proposed assumption of the responsibilities of citizenship; accordingly, such privileges should not be available to them. At the same time, the Congress disclaimed any intention of jeopardizing conduct of the foreign relations of the United States (supra, S. Report 1515, 81st Cong., page 523), which includes not jeopardizing the lawful activities of the international organizations and foreign missions located here, who normally engage Americans as well as aliens to conduct their business. In some instances our laws, granting the necessary protections and privileges for these organizations and missions and their employees, draw no distinctions between American and alien employees, treating all alike; in other cases, the privileges granted are not available to Americans but only to the non-citizen employees. Hence it is clear that the Congress intended to deprive immigrant aliens employed in the international organizations and foreign missions of the privileges and exemptions resulting from the occupational status which would not be equally available to American citizens similarly situated. Conversely, it was not the intention of the Congress to require immigrants in these occupations to surrender privileges which American citizens similarly employed may assert. Obviously, if American citizens may lawfully exercise such privileges, the privileges would not appear to be inconsistent with the responsibilities of citizenship.

The Congress might have discriminated entirely against immigrants in favor of citizens, but it did not do so. On the contrary it sought, by the election offered under section 247, to place immigrants and citizens in the specified categories of employment on an equal footing by denying to immigrants special privileges, exemptions, and immunities not available to citizens similarly employed.
For example, section 116 (h) of the Internal Revenue Code, 26 U.S.C. 116 (h), exempts from Federal income taxation the compensation of an employee of an international organization if the employee is not a citizen of the United States. Thus, under this section of the law, American citizen employees of international organizations do not enjoy exemption from Federal income taxes. Hence, to the extent that the Federal income tax exemptions of employees of an international organization rest upon section 116 (h) of the Internal Revenue Code, American citizen employees individually bear an obligation of citizenship (the payment of taxes) which immigrant employees, who are potential citizens, heretofore had no need to bear as individuals (disregarding any equalization of pay that the employer organizations may attempt to work out). Therefore, the tax exemptions under section 116 (h), claimable by an immigrant alien in one of the specified occupations, is an exemption which he waives when he files the waiver under section 247 of the Immigration and Nationality Act.

A converse example, in the matter of legal process, is section 7 (b) of the International Organizations Immunities Act, 22 U.S.C. 288d, under which officers and employees of international 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 officers or employees, subject to waiver of the immunity by the international organization. In the case of the United Nations, these privileges together with the others in the act became effective pursuant to Executive Order 9698 of February 19, 1946, 11 F.R. 1809. No distinction is made in the statute between citizen and noncitizen employees of the international organization. Hence it would appear that an immigrant alien employee of the United Nations who properly claims the immunity from suit and legal process for official acts allowed under section 7 (b) asserts no greater privilege than would an American citizen employee similarly situated. Accordingly, the waiver of immunities under section 247 of the Immigration and Nationality Act by the immigrant employee of the United Nations would not appear to be a waiver of the immunity from suit and legal process to which section 7 (b) of the International Organizations Immunities Act entitles him.

Application of the foregoing principles in interpreting waivers under section 247, on a case-by-case basis as different situations arise, should accomplish the objective laid down by the Congress. It should result in placing the employee of an international organization or foreign mission, who happens to be an immigrant, in a position of parity with his fellow-American employee of the same organization by allowing the immigrant employee no greater privileges in connection with the employment than an American citizen similarly employed. In maintaining his immigrant status and preparing for American citizenship, the immigrant employee of the international organization or foreign mission will not be asserting privileges which he could not obtain and assert were he an American citizen in the same employment. Whatever rights remain and accrue to him as a result of the occupational status will be consistent with his “assumption of the responsibilities of citizenship under our laws.”

Sincerely,

Herbert Brownell, Jr.
A waiver under section 247 (b) of the Immigration and Nationality Act does not waive benefits or exemptions accruing under the double taxation treaties with Great Britain and France.

Execution of a waiver under section 247 (b) by which there is a waiver of privileges and exemptions accruing to the individual under "any law or any executive order," does not apply to rights, privileges, exemptions, and immunities derived from treaties.

A treaty will not be deemed to have been abrogated or modified by a later statute unless such purpose on the part of Congress has been clearly expressed.

The Honorable
The Secretary of State

My Dear Mr. Secretary: This is in further reference to my opinion of May 1, 1953 (No. 25, Vol. 41), which construed the general effect of waivers executed pursuant to section 247 of the Immigration and Nationality Act, 66 Stat. 163, 218, Public Law 414, 82d Congress.

It will be recalled that under section 247 (a), the Attorney General is required to adjust the status of an alien lawfully admitted for permanent residence, and thereby enjoying immigrant status, to that of a nonimmigrant in one of three specified classes under section 101 (a) of the act (namely, accredited foreign government official, representative to or official of an international organization, or treaty trader), if the alien at the time of entry or thereafter acquires an occupational status which, were he seeking admission to the United States, would entitle him to a nonimmigrant status in one of the three classes.

However, as provided in section 247 (b), the alien may avoid the loss of and retain his immigrant status, even though he is in one of the three classes of occupations, if he files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under "any law or any executive order," which would otherwise accrue to him because of his occupational status.

In deciding generally what rights, privileges, exemptions, and immunities are surrendered by the immigrant alien who is in one of the three occupational classes and files a waiver, I found that the Congress had provided no list, but that it was the intention of Congress to place immigrants and American citizens in the specified categories of employment on an equal footing by denying to immigrants special privileges, exemptions, and immunities (under any law or executive order) not available to American citizens similarly employed. Two specific examples were given, but the precise effect of waivers in the variety of possible situations was left open for future interpretation.

It is in this connection that you have submitted for my opinion copies of two notes from the British and French governments respectively, indicating their view that the waiver of privileges under section 247 of the Immigration and Nationality Act does not apply to benefits and exemptions under the double taxation treaties between the United States and both countries; and
does not apply to tax exemptions accorded by these treaties to employees of those governments residing in the United States.

In brief, the treaties with the two countries provide that wages, salaries, or other compensation paid by one of the contracting governments to its employees residing in the other state (except nationals of that state) shall be exempt from tax by the other contracting government. Pursuant to these arrangements it appears that the several governments are the recipients of mutual benefits, some accruing directly in keeping down the costs of maintaining their establishments in the other countries, others arising indirectly as outlined in the letter of the Legal Adviser to us dated July 10, 1953. It is further indicated that both the British and French governments believe that the application of section 247 to their resident employees in this country would be a violation of their treaties. Your department has stated that this government would be seriously embarrassed by a controversy with either government regarding that each of them would deem to be a treaty violation, leading possibly to retaliatory fiscal or other measures adversely affecting individual Americans and corporations doing business in both England and France.

However, you have taken the view that the reach of a section 247 (b) waiver does not extend to privileges or benefits derived from treaties and other international agreements as distinguished form privileges or benefits arising out of any statute or executive order. The Treasury Department, in a letter to us dated November 5, 1953, is in accord with this view and states that neither the act nor the legislative history underlying it makes any reference to tax exemptions conferred by treaty or international agreement.

I am in agreement with the views of both departments. Without debating whether the word “law” includes or excludes treaties, a matter which may vary with the circumstances, the dispositive fact in this case is that in the process of evolving section 247 the congressional committees not only did not consider the numerous tax and other treaties and the privileges arising under them but disclaimed any intention of jeopardizing the conduct of the foreign relations of the United States, S. Rept. 1515, 81st Cong., p. 523. Without a clear expression of intention on the part of Congress to abrogate or restrict the application of a treaty that purpose will not be implied. Chew Heong v. United States, 112 U. S. 536, 550 (1884); United States v. Payne, 264 U. S. 446, 449 (1924); Cook v. United States, 288 U. S. 102, 120 (1933).

If it be said that the impact of section 247 (b) is not upon any treaty or the benefits arising from one of its provisions, but is merely upon the individual who is given an option to accept a nonimmigrant status or waive the privileges under the treaties, the answer is two-fold. First, to impose an onerous condition on the retention of the tax exemption under the treaty is not very different from abrogating the exemption. Second, the two other parties to these bilateral agreements apparently already take the view that the imposing of such conditions would be a breach. Therefore, both by virtue of the legislative history of the statutory provision and in keeping with the opinions of our Supreme Court, we should refrain from construing this statute so as to effect a breach of international agreements.

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1 The State Department’s views and data on the whole of the subject are contained in communications to this department dated January 9, 1953, June 16, 1953, July 10, 1953, and October 6, 1953.
It is therefore my conclusion that the execution of waivers under section 247 (b) of the Immigration and Nationality Act does not apply to rights, privileges, exemptions, and immunities derived from treaties or other international agreements.¹

Sincerely,

Herbert Brownell, Jr.

B. — State of New York

1. — Laws

(a) An Act to amend the Administrative Code of the City of New York, so as to authorize the City of New York to convey certain real property in the City of New York to United Nations, to acquire real property for such purposes, to relocate dwellings and tenants and to control advertising signs in the vicinity of United Nations Headquarters, effective February 27, 1947 (Laws of the State of New York, 1947, Chap. 23)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title D of chapter forty-one of the administrative code of the city of New York is hereby amended by adding thereto a new section, to follow section D41-27.0, to be section D41-28.0, to read as follows:

"Section D41-28.0. Transfer of real property to United Nations; acquisition of real property for such purpose. (a) It is hereby declared as a matter of legislative determination that a public purpose is served and that the interests of the state and city of New York are promoted by (1) the cession, granting, conveyance or transfer to United Nations by the city of New York of real property, in the borough of Manhattan, city of New York, and bounded on the south by the south side of Forty-second street, on the west by the west side of First avenue, on the north by the north side of Forty-eighth street and on the east by the East river, or any interest therein, owned or possessed by such city, which is required for the purpose of establishing and maintaining headquarters, buildings or facilities necessary, useful or convenient in carrying on the functions of United Nations, and (2) the utilization of any such real property by United Nations in carrying on its functions.

(b) Notwithstanding the provisions of any law, the board of estimate of the city of New York is authorized to cede, grant, convey, transfer or release to the United Nations, with or without consideration, and upon such terms and conditions as may be agreed upon between such board and the United Nations, all or any part of the estate, right, title and interest of the city in and to any real property, or any leasehold, reverter or other interests therein, wharf property or lands in the bed of closed or discon-

¹ The Treasury Department in its letter of November 5, 1953, referred to above, has also expressed the view that the conclusion that section 247 (b) waivers do not effect tax exemptions granted by treaty is "similarly applicable to income tax exemptions provided by international agreement for employees of international organizations, such as the tax exemptions granted to employees of the International Bank and the International Monetary Fund."
tinued streets, now owned or hereafter acquired or owned or possessed by the city, within the limits of the area described in subdivision a. hereof, and whether or not such property, interests or lands are devoted to another public purpose, which are required for the purpose of establishing and maintaining headquarters, buildings or facilities necessary, useful or convenient in carrying on the functions of the United Nations, and the city of New York is authorized to acquire for such purposes, by purchase, condemnation or otherwise, title to any such property, interests or lands within the city.

"(c) Where property has been acquired by the United Nations from which dwellings must be removed before the land may be improved for such United Nations, the board of estimate may authorize the acquisition of lands for the purpose of providing a site to which said dwellings may be relocated and rehabilitated in order that they may continue to be used for housing purposes. The board may also authorize for such relocation and rehabilitation purposes the use of city owned lands no longer required for other public purposes or temporarily not so required. The layout and development of the relocation site for the aforesaid purpose shall be approved by the city planning commission.

"After acquisition of such lands or assignment of city owned lands the bureau of real estate of the board of estimate may provide for the relocation and rehabilitation of the aforesaid dwellings in accordance with the plan approved by the city planning commission.

"The board of estimate may also authorize the acquisition by purchase, condemnation or otherwise of buildings not now used for dwelling purposes and may further authorize the rehabilitation of such buildings to make the same usable for such purpose and to relocate therein persons now residing in the site acquired for the United Nations or such other persons as the board of estimate may direct.

"After the relocation and rehabilitation of any dwellings relocated from the site so acquired by the United Nations, the bureau of real estate of the board of estimate shall provide for the sale by the city of the relocated dwellings and the respective lots upon which they are situated. The sales shall be to individuals in the following order of preference: to the original owner-occupant of the building being sold; to an original tenant of the building being sold; to an owner-occupant on the site whose building it was impracticable to remove; to a tenant within the acquired lands; to any veteran or veteran's widow in the city. All sales shall be subject to the approval of the board of estimate. If any building and saleable lots remain unsold after the foregoing parties have had a full opportunity to purchase, the same shall be disposed of by the city in accordance with existing provisions of law applicable to the sale of city property. Monies realized from sales under this paragraph shall be restored to the funds from which the acquisition of these additional lands was provided for, or if not needed for such funds, then such monies shall be paid into the real property fund.

"(d) To insure the beauty of the area to be used for the United Nations' headquarters and the approaches thereto and to promote the general welfare of the people of the city and state of New York; to insure the safe and orderly conduct of such United Nations and to protect the useful and desirable purpose of the same and to provide for the safety,
convenience and comfort of officials, delegates, personnel and visitors to
the same, such board of estimate shall have power to regulate and limit
signs, billboards and advertising devices, and shows, exhibits, amusements
and displays in the area of Queens and New York counties contiguous to
fronting upon or surrounding the lands occupied by the United Nations
and any violation of such regulations shall be a misdemeanor.

"The city of New York by the corporation counsel or United Nations
may maintain an action for an injunction to restrain any violation of
the said building zone resolution or the regulations concerning the
erection and maintenance of signs, billboards or other advertising devices
within said district."

Section 2. This act shall take effect immediately.

(b) An Act to Amend the Tax Law, in Relation to Exempting from
Taxation the Real Property Used for Headquarters of
United Nations or of Any Worldwide International Organiza-
tion Established to Accomplish the Same Purposes by the Same
Laws, Effective February 27, 1947 (Laws of the State of New
York, 1947, Chap. 24)

The People of the State of New York, represented in Senate and Assembly, do enact
as follows:

Section 1. Section four of chapter sixty-two of the laws of nineteen
hundred nine, entitled "An act in relation to taxation, constituting chapter
sixty of the consolidated laws," such section having been last amended
by chapter six hundred forty-one of the laws of nineteen hundred forty-six, is
hereby amended by adding thereto a new subdivision, to follow subdivision
nineteen, to be subdivision twenty, to read as follows:

"20. Real property of United Nations, or of any world-wide inter-
national organization of which the United States shall be a member and
which shall be established and shall provide international agencies in
order to maintain international peace and security, develop friendly
relations among nations and achieve international cooperation in solving
international problems of an economic, social, cultural or humanitarian
character, by taking action which includes effective collective measures
for the prevention and removal of threats to peace, for the suppression of
acts of aggression or other breaches of the peace and for the bringing about
by peaceful means, and in conformity with the principles of justice and
international law, of the adjustment or settlement of international dis-
putes or situations which might lead to a breach of the peace shall be
exempt from taxation and assessment for local or assessable improvements
provided that only such real property shall be exempt from taxation and
assessment for local and assessable improvements as is exclusively used
for the purpose of establishing and maintaining thereon headquarters for
offices and for places of assembly for carrying on the functions of United
Nations or other such world-wide international organization. The
exemption from taxation granted by this sub-division shall continue with
respect to such real property as long as the property shall remain the
property of the United Nations or of any worldwide international
organization as herein described, and be used exclusively for the purpose
of maintaining thereon headquarters for offices and for places of assembly for carrying on the functions of the United Nations or of any world-wide international organization as herein described, and no longer.”

Section 2. This act shall take effect immediately.

(c) AN ACT TO AMEND THE STATE LAW, IN RELATION TO AUTHORIZING THE UNITED NATIONS TO ACQUIRE LAND FOR ITS USES AND PURPOSES AND PROVIDING FOR THE CESSION OF JURISDICTION BY THE STATE AS TO SUCH LAND WHEN USED FOR THE HEADQUARTERS OF UNITED NATIONS, EFFECTIVE FEBRUARY 27, 1947 (LAWS OF THE STATE OF NEW YORK, 1947, CHAP. 25)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The state law is hereby amended by adding thereto a new article, to be article four-B, to read as follows:

“ARTICLE IV-B. ACQUISITION OF LAND BY THE UNITED NATIONS


“Section 59-i. Definitions. As used in this article, the following terms shall mean and include:

‘United Nations.’ The international organization of governments known as the United Nations established June twenty-sixth, nineteen hundred forty-five.

‘Land.’ The land itself above and under water, all buildings and other structures, substructures and superstructures, erected on or above, or affixed to the same; all wharves and piers; and all interests in land whether in fee or less than full title.

“Section 59-j. Acquisition of land. The United Nations may take by gift, grant or devise, acquire by purchase, but not by condemnation, any land necessary, useful or convenient in carrying on the functions of such organization within the state and hold, transmit and dispose of the same.

“Section 59-k. Proceedings. Whenever the United Nations is desirous of acquiring land by purchase for any of its purposes, the secretary-general of the United Nations, or other representative designated by him, may apply for any relief permitted by the laws of the state of New York that may be necessary for the purpose of acquiring such land, to any court of the state having jurisdiction within the country in which the land is located. All deeds, conveyances and other papers relating to the title of lands within the state acquired by the United Nations pursuant to the provisions of this article, or other general or special law, federal, state or local, shall be filed and recorded in the office of the register, if any, or if not in the office of the county clerk of the county where the land is located, and certified copies filed in the office of the secretary of state of the state of New York at Albany.

“Section 59-l. Governor may cede jurisdiction. The governor of New York state, upon application by the United Nations, is authorized, to execute in duplicate, in the name of the state and under its great seal, a
deed or release of the state ceding jurisdiction, to such extent and on such
conditions as he may deem proper, of any land in the state acquired by
the United Nations. Jurisdiction may be ceded directly to the United
Nations or to the United States of America for the use and benefit of the
United Nations. The application shall describe the land by metes and bounds
and have endorsed thereon or annexed thereto the certificate of the
attorney-general of this state that the United Nations is in possession of
such land under full and complete title. The jurisdiction hereby authorized
to be ceded shall continue with respect to such land as long as such land
shall remain the property of the United Nations and be used exclusively
for the purpose of establishing and maintaining thereon headquarters
for offices and for places of assembly for carrying on the functions of the
United Nations, and no longer.

Section 2. This act shall take effect immediately.

(d) An Act to Amend the Tax Law, in Relation to the Exemption of
Compensation of Certain Employees of International Organiza-
tions from Taxation and from Withholding of Tax, Effective
April 9, 1947 (Laws of the State of New York, 1947, Chap. 739)

The People of the State of New York, represented in Senate and Assembly, do enact
as follows:

Section 1. Subdivision nine of section three hundred fifty of the tax law,
such section having been added by chapter six hundred twenty-seven of the
laws of nineteen hundred nineteen, is hereby amended to read as follows:

"9. The words 'foreign country' or 'foreign government' mean any
jurisdiction other than one embraced within the United States. The
words 'United States' include the states, the territories of Alaska and
Hawaii and the District of Columbia. The words 'international organization'
mean a public international organization entitled to enjoy privileges, exemptions, and
immunities as an international organization under the International Organizations
Immunities Act."

Section 2. Paragraph j of subdivision two of section three hundred fifty-
nine of such law, such paragraph having been added by chapter three
hundred sixty-four of the laws of nineteen hundred thirty-six, is hereby
amended to read as follows:

"(j) Wages, fees, or salary of any employee of a foreign government
or of an international organization (including a consular or other officer, or
a nondiplomatic representative) received as compensation for official
services to such government or international organization:

"(1) If such employee is not a citizen of the United States; and
"(2) If, in the case of an employee of a foreign government, the services are
of a character similar to those performed by employees of the government
of the United States in foreign countries; and
"(3) If, in the case of an employee of a foreign government, the foreign govern-
ment grants an equivalent exemption to employees of the government of the
United States performing similar services in such foreign country.

Section 3. Subdivision one of section three hundred sixty-six of such law,
such subdivision having been last amended by chapter five hundred fifty-
seven of the laws of nineteen hundred thirty-seven, is hereby amended to read as follows:

"1. For each calendar year, every withholding agent shall deduct and withhold from all salaries, wages, commissions, gratuities, emoluments, perquisites and other fixed or determinable annual or periodical compensation of whatever kind and in whatever form paid or received, earned by any taxpayer for personal services (other than personal services as an employer of an international organization) and taxable under this article, of which he shall have control, receipt, custody, disposal or payment, the following amounts: Two per centum of the first one thousand dollars or less, three per centum of the next two thousand dollars or less, four per centum of the next two thousand dollars or less, five per centum of the excess over nine thousand dollars, by which the amount of such compensation paid or to be paid in the calendar year, by such withholding agent to such taxpayer, exceeds the amount of the exemptions granted to such taxpayer under section three hundred sixty-two of this chapter as shown by a certificate filed with the tax commission or one thousand dollars if no certificate showing his personal exemption status is filed with the withholding agent by a taxpayer other than a resident of this state. If it appears that another state has passed a law taxing incomes in such manner as will result in its residents being entitled to credit under section three hundred sixty-three hereof, sufficient to offset all taxes imposed by this article, the tax commission may, by regulation, relieve residents of such state from being required to make any return under this article, and may prescribe a certificate to be filed by residents of such state with withholding agents. A withholding agent with whom such a certificate shall be filed, or with whom a certificate, in such form as shall be prescribed by the tax commission, to the effect that the person entitled to such compensation is a resident of this state and setting forth his residence address, shall be filed after the beginning of the calendar year and before the time when he is required to make return and payment, need not deduct or withhold anything from the compensation of the person filing such certificate. The tax commission may, by regulation, require withholding agents to forward to it at stated times any of the certificates mentioned in this subdivision."

Section 4. This act shall take effect immediately and shall apply to compensation and returns for any taxable year commencing on or after January first, nineteen hundred forty-six.

(e) An Act to Amend the Tax Law, in Relation to Granting Exemptions to the United Nations from Excise or Sales Taxes Imposed by the State upon the Sale of Tangible Personal Property, Effective April 3, 1948 (Laws of the State of New York, 1948, Chap. 745)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The tax law is hereby amended by adding a new section, to be section five-e, to read as follows:
“5-e. Exemption from certain excise and sales taxes granted to the United Nations. Excise and sales taxes imposed by the state upon the sale of tangible personal property shall not be exacted or required to be paid by the United Nations upon and with respect to any sale of tangible personal property hereafter made, provided the property is acquired for the official use of the United Nations; and the provisions of any law now in force or hereafter enacted imposing any such tax shall not apply to sales of tangible personal property to the United Nations. The state tax commission shall make such reasonable rules and regulations as may be necessary to give full force and effect to the provisions of this section.”

Section 2. The provisions of section five-e of the tax law, as added by this act, shall not become effective or operative unless and until the congress by joint resolution or other affirmative action, shall accede to the convention on the privileges and immunities of the United Nations adopted by the general assembly of the United Nations February thirteenth, nineteen hundred forty-six, and shall deposit with the secretary general of the United Nations an instrument of accession on behalf of the United States of America. A certificate of deposit of any such instrument of accession shall be filed in the office of the department of taxation and finance at Albany and the provisions of section five-e of the tax law shall become operative at the expiration of thirty days from the date the instrument of accession is filed with such department.

Section 3. This act shall take effect immediately.

(f) An Act authorizing and empowering counties and cities which shall have imposed taxes upon sales of tangible personal property under and pursuant to any general or special law, to exclude from the provisions of the law imposing the tax, sales of tangible personal property thereafter made to the United Nations or other world-wide organization or in lieu thereof to provide for the refund of any such taxes thereafter paid, effective April 3, 1948 (Laws of the State of New York, 1948, Chap. 746)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The local legislative board or body of any county or city which shall have imposed a tax upon and with respect to the sale of tangible personal property under and pursuant to the provisions of any general or special law, is hereby authorized and empowered by local law, ordinance or resolution duly adopted, to exclude from the provisions of the local law, ordinance or resolution imposing the tax, sales of tangible personal property thereafter made to the United Nations or other world-wide international organization of which the United States of America is a member, or in lieu thereof to provide for the refund of any such taxes thereafter paid by the United Nations or other such world-wide international organization.

Section 2. This act shall take effect immediately.
Hon. Thomas E. Dewey
The Capitol
Albany, New York

Dear Governor Dewey:

In response to your letter of January 24th, I have investigated the legal questions which will be involved if the United Nations determines to locate its headquarters within the State of New York.

You have asked my opinion whether the State can give reasonable assurance to the representatives of the United Nations that it has the necessary constitutional power to provide an appropriate site and to extend the privileges and immunities to the United Nations, substantially as prescribed in the draft convention prepared by the juridical subcommittee of the Preparatory Commission of the United Nations, so that there would be no legal difficulties in its setting up a site in New York if a New York location be selected.

In my opinion there is no constitutional obstacle to acquisition by the United Nations of a site within the State, nor to extending, by appropriate legislation, the privileges and immunities which will be required if its headquarters are located in New York.

With respect to the acquisition of the proposed site, the draft convention between the United Nations and the Government of the United States of America contemplates that the Government of the United States of America (which is defined to include a State where the context so requires) shall be responsible for expropriating the necessary land and buildings and United Nations shall pay a fair price for any land and buildings conveyed to it. Whether the actual purchase or condemnation of land will be accomplished by the Federal Government or by New York appears not yet to have been determined. If the United States, acting through the Federal Government, takes title to the land to carry out the agreements of a convention or treaty, I believe that it would have power to acquire necessary property within the State of New York, even though it planned to convey it immediately to the United Nations; however, an amendment to Section 50 or 54 of our State Law would be necessary in order to permit vesting exclusive jurisdiction of the property in the United Nations. If the land and buildings are to be acquired by the State of New York, express legislative authority by New York would be necessary to authorize the acquisition and fix the procedure to be followed.

The facilities expressly mentioned in the draft convention, as required to be furnished by the United States (or the State of New York) include police protection, means of access and various public utilities. Appropriate legislation by New York State would have to be enacted to define and authorize the manner of providing such facilities if the State were asked to provide them. The Legislature has full power in the premises.
Whatever diplomatic privileges and immunities are granted to the United Nations, its officials and personnel under the proposed convention or treaty between the United Nations and the United States would become the supreme law of the land (U. S. Constitution Article 6, § 2) and, I am confident, would be given full recognition by New York courts and officials. Diplomatic immunity has been recognized by the New York courts wherever treaty obligations or general rules of international law require. (Hamilton v. Erie R. R. Co., 219 N. Y. 343; Carbone v. Carbone, 123 Misc. 656; Herman v. Apetz, 130 Misc. 618; cf. Urdaneta v. Urdaneta, 179 Misc. 95) The certificate of the Secretary of State of the United States that a person is entitled to immunity will be honored (Girardon v. Angelone, 234 App. Div. 351, 354).

As a matter of fact, I believe that the New York courts would recognize diplomatic immunity even before the proposed convention is executed, for Article 105 of the Charter of the United Nations, to which the United States became a party on August 8, 1945, provides that the organization shall enjoy "such privileges and immunities as are necessary for the fulfillment of its purposes," and that representatives of the members "and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization." The Charter contemplates a separate convention to determine the details of such privileges and immunities, but I believe that the courts would be guided in the interim by the interpretation requested by the Secretary of State. In the absence of a specific inquiry, I do not deem it appropriate to ascertain every situation in which immunity would apply, or to discuss the extent or limits of such immunity.

It will not be necessary to enact state legislation to implement the Federal treaty unless you think it desirable for reasons of clarity or otherwise.

One other matter should be mentioned, which will also require legislative authority by New York. The United Nations contemplates a separate convention to be entered into between the United Nations and the State in which the United Nations fixes its headquarters, and that Congress will be asked to authorize the execution of such a convention. There is no authority in existing statutes for you to enter into a convention on behalf of the State of New York with any international organization. On the other hand, there is no constitutional reason why appropriate legislative authority may not be given by New York, to be exercised if Congress authorizes such a convention.

Respectfully yours,

Nathaniel L. Goldstein
Attorney General

(b) Opinion of March 1, 1948 concerning immunity from arrest and conviction for crimes and traffic infractions (1948 Atty. Gen. 152)

Department of Commerce, March 1, 1948
112 State Street,
Albany, N. Y.

Att: Hon. Alfred J. Worsdell, Jr.
Deputy Commissioner

Gentlemen:

Your letter of February 20, 1948 asks my opinion as to whether the State of New York accords, or should accord, privileges and immunities from
arrest and conviction for crimes and traffic infractions within the State to any or all of the members of delegations to the United Nations, listed by the Department of State of the United States, as recognized, under the provisions of Public Law 357 of the 80th Congress, as being entitled to diplomatic privileges and immunities in the territory of the United States.

It is my opinion that privileges and immunities from arrest and conviction for crimes and traffic infractions within the State are to be accorded to persons so listed by the Department of State of the United States.

In an opinion rendered to the Executive Department on January 29, 1946 (1946 Atty. Gen. 75), I stated (p. 76):

"Whatever diplomatic privileges and immunities are granted to the United Nations, its officials and personnel under the proposed convention or treaty between the United Nations and the United States would become the supreme law of the land (U. S. Constitution Article 6, §2) and, I am confident, would be given full recognition by New York courts and officials. Diplomatic immunity has been recognized by the New York courts, wherever treaty obligations or general rules of international law require. (Hamilton v. Erie R. R. Co., 219 N. Y. 343; Carbone v. Carbone, 123 Misc. 656; Herman v. Apetz, 130 Misc. 618; cf. Urdaneta v. Urdaneta, 179 Misc. 95.) The certificate of the Secretary of State of the United States that a person is entitled to immunity will be honored (Girardon v. Angelone, 234 App. Div. 351, 354)."

The diplomatic privileges and immunities which have been granted to members of the United Nations delegations by the United States and which have thus become the supreme law of the land by which the judges in every state are bound (United States Constitution, Article VI, §2) include immunity from arrest and conviction for crimes.

The following are the instruments by which diplomatic privileges and immunities have been granted:

1. The Charter of the United Nations (signed on behalf of the United States on June 26, 1945; ratified August 8, 1945; in force with respect to the United States October 24, 1945). Article 105 thereof provides:
   "1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.
   "2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
   "3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this article or may propose conventions to the Members of the United Nations for this purpose."

2. International Organizations Immunities Act (December 29, 1945; 22 USCA §§288 et seq.) Section 288d provides:
   "Privileges, exemptions, and immunities of officers, employees, and their families; waiver
   "(b) 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."

3. Executive Order No. 9698 (February 19, 1946). The President designated the United Nations as one of the public international organizations entitled to enjoy the privileges, exemptions and immunities conferred by the International Organizations Immunities Act.

4. Convention on the Privileges and Immunities of the United Nations (adopted by the General Assembly of the United Nations February 13, 1946. The United States delegation voted for the adoption of the Convention but the United States Senate has not yet ratified it). Pertinent provisions of this Convention are as follows:

Article IV, Section 11.

"Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;

(g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes."

Article IV, Section 14.

"Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded."

Article IV, Section 16.

"In this article the expression 'representatives' shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations."

Article V, Section 17.

"The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit
these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.”

Article V, Section 18.

“Officials of the United Nations shall:

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity; * * *”

Article V, Section 19.

“In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.”

Article V, Section 20.

“Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.”

Article V, Section 21.

“The United Nations shall co-operate at all times with the appropriate authorities of Members 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, immunities and facilities mentioned in this Article.”

The same provisions are made in respect to Experts on Missions for the United Nations (Article VI).

Article VIII provides that the United Nations shall make provisions for “appropriate modes of settlement” of disputes involving any official of the United Nations who by reason of his official position enjoys immunity.

5. Public Law 357 — 80th Congress, authorizing the President to bring into effect on the part of the United States the agreement, signed June 26, 1947, between the United States and the United Nations regarding the headquarters of the United Nations (adopted August 4, 1947).

Article III, Section 8.

“The United Nations shall have the power to make regulations, operative within the headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the
United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in Section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.”

Article III, Section 9.

“(a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary-General.”

. . . .

Article V, Section 15.

“Resident representatives to the United Nations described in subdivisions 1, 2, 3 and 4 of this section are in subdivision 4 declared to ‘be entitled in the territory of the United States to the same privileges and immunities, subject to corresponding conditions and obligations, as it accords to diplomatic envoys accredited to it.’ Such privileges are accorded in the case of representatives of members whose governments are recognized by the United States, whether the persons reside inside or outside the headquarters district. In the case of representatives of members whose governments are not recognized by the United States, the privileges and immunities are stated to be extended only within the headquarters district, the representatives’ residences and offices outside the district and in transit between the district and the residences and offices, and on official business to or from foreign countries.”

I conclude that the State of New York is bound to accord immunity from arrest and conviction for crime and traffic infractions to members of delegations to the United Nations, recognized by the Department of State of the United States as entitled to diplomatic privileges and immunities in the territory of the United States. It is an immunity specifically recognized in the Convention of February 13, 1946, yet to be ratified by the United States. It is one that is included in the more general declarations of the instruments quoted herein, which already have become the supreme law of the land by which the courts of the States are bound.

Very truly yours,

Nathaniel L. Goldstein
Attorney General
(c) Opinion of October 26, 1951 Concerning Applicability of State Alcohol Beverage Control Law to the United Nations and its Headquarters District

State Liquor Authority
270 Broadway
New York 7, N.Y.

Gentlemen:

This is in reply to your letter of September 21, 1951, requesting my opinion as to whether the Conference Building and the General Assembly Building of the United Nations headquarters in the Borough of Manhattan, City of New York, are subject to the jurisdiction of the State of New York and to the provisions of the Alcoholic Beverage Control Law.

Although Article IV-B of the State Law (added by Chapter 25 of the Laws of 1947) authorizes the Governor, upon fulfillment of certain prescribed conditions, to execute in the name of the State a deed or release ceding jurisdiction of any land in the State acquired by the United Nations, and although the United Nations has acquired or is in possession under contract to acquire the lands constituting its Headquarters District in the Borough of Manhattan in the City of New York (being the area generally bounded on the east by the westerly side of Franklin D. Roosevelt Drive, on the west by the easterly side of First Avenue, on the north by the southerly side of East Forty-eighth Street, and on the south by the northerly side of East Forty-second Street, all as proposed to be widened), no formal cession of jurisdiction pursuant to Article IV of the State Law has been made, nor has any application therefor been received, and since the jurisdiction of the State over lands within its territorial limits cannot be abrogated except by its consent, it must be stated as a general principle that the United Nations headquarters district in the Borough of Manhattan is subject to the political jurisdiction of this State. However, this conclusion does not dispose of your question.

The United Nations is an international organization created in 1945 by the international treaty known as the Charter of the United Nations to which the United States is a party (59 U. S. Stat., Pt. 2, pp. 1035 et seq.). The adherence of the United States to that treaty was made pursuant to the power granted to the President by Subdivision 2 of Section 2 of Article II of the Constitution of the United States; and Subdivision 2 of Article VI of said Constitution declares that:

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and all judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

Articles 104 and 105 of the Charter of the United Nations provide:

"Article 104

"The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes."
"Article 105"

"1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose."

The International Organizations Immunities Act (Public Law 291, 79th Congress, First Session, approved December 29, 1945, 59 U. S. Stat., Pt. 1, p. 669), the provisions of which were extended to the United Nations by Executive Order No. 9698, February 19, 1946, provides in Section 2 thereof, paragraphs (b) and (c) as follows:

"(b) International Organizations, their property and their assets, wherever located, and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by 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.

(c) 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."

In pursuance of the authority granted to it by the United Nations Charter, Article 105, paragraph 3, the General Assembly on February 13, 1946, adopted a Convention on the Privileges and Immunities of the United Nations (United Nations Treaty Series, 1946-47, Vol. 1, p. 16) which was acceded to by the United States and which contains, among others, provisions reading as follows:

"Section 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so far as it has expressly waived its immunity.

Section 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 7. The United Nations, its assets, income and other property shall be:

(a) exempt from all direct taxes."

Following the adoption by the General Assembly of the United Nations, on December 14, 1946, of the resolution to establish the seat of the Organization in the City of New York, an agreement for the purpose of carrying
out such resolution and for the regulation of questions arising as a result thereof was concluded at Lake Success June 26, 1947, between the United Nations and the United States (61 U. S. Stat., Pt. 1, p. 758) which the President was authorized to bring into effect on the part of the United States by Joint Resolution of Congress approved August 4, 1947 (Pub. Law 357, 80th Congress, First Session, 61 U. S. Stat., Pt. 1, p. 756).

By this agreement it is provided as follows in respect of the following mentioned subjects:

Applicability of Federal, State and Local Law

"(a) The Headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

"(b) Except as provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the headquarters district.

"(c) Except as provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the headquarters district as provided in applicable federal, state and local laws.

"(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the headquarters district, shall take into account the regulations enacted by the United Nations under Section 8 (7).

Regulations

"The United Nations shall have power to make regulations, operative within the headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district (8).

Inviolability of Headquarters District

"(a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary-General.

"(b) Without prejudice to the provisions of the General Convention *, *, the United Nations shall prevent the headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state or local law of the United States *, *, or for persons who are endeavoring to avoid service of legal process (9).

Agreement Complementary to General Convention

"The provisions of this agreement shall be complementary to the provisions of the General Convention. In so far as any provisions of this
agreement and any provisions of the General Convention relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other; but in case of absolute conflict, the provisions of this agreement shall prevail (26)."

In the light of the foregoing statement of facts, I think the conviction is inescapable that while the headquarters district of the United Nations in the Borough of Manhattan continues to be under the general political jurisdiction of the State of New York, there has come into existence a concurrent jurisdiction of the United Nations to make regulations, operative within the district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions, and that in any case of conflict between a regulation so made and any law of this State, the regulation of the United Nations must prevail; and that the jurisdiction of the State may not be so exercised or its laws so enforced as to deny or interfere with the enjoyment by the United Nations within the headquarters district of any privilege or immunity necessary for the unhampered exercise of its functions or fulfillment of its purposes. This limitation upon the State in the exercise of its right of sovereignty is by the consent of the State, given by its ratification on July 26, 1788, of the Constitution of the United States; for the privileges and immunities and the powers of the United Nations in the premises flow from and have their fountainhead in the multilateral treaty known as the United Nations Charter which, by express provision of the Federal Constitution, is declared to be the supreme law of the land, anything in the constitution or laws of any state to the contrary notwithstanding.

I think it is self-evident that any attempt to assert the applicability of the State Alcoholic Beverage Control Law as against the United Nations within its headquarters district would tend to embarrass it in the exercise of its functions and would interfere with the enjoyment by it of privileges and immunities necessary for the fulfillment of its purposes; would be contrary to its Charter and to measures taken by the United States and the United Nations to give practical effect to the provisions thereof; and that, therefore, such State Law is not applicable as against the United Nations within its headquarters district in the Borough of Manhattan.

Very truly yours,

Nathaniel L. Goldstein
Attorney General

(d) Opinion of January 7, 1958 Concerning the Exemption of Certain Non-U. S. Nationals Employed by the United Nations from the Payment of New York State Income Tax

Deputy Commissioner and Counsel
Department of Taxation and Finance
State Office Building
Albany 1, New York

Dear Mr. Kassell:

I have your letter requesting my opinion "whether the filing with the Attorney General of the United States of a waiver of rights, privileges,
exemptions and immunities by an employee of the United Nations or a foreign government, in accordance with the provisions of section 247 of the Immigration and Nationality Act (8 U. S. C. A., section 1257), nullifies the exemption from tax granted in subdivision 2 of section 359 of the Tax Law of this State.

Section 247 of the Immigration and Nationality Act provides as follows:

"Sec. 247. (a) The status of an alien lawfully admitted for permanent residence shall be adjusted by the Attorney General, under such regulations as he may prescribe, to that of a nonimmigrant under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a), if such alien had at the time of entry or subsequently acquires an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under such sections. As of the date of the Attorney General's order making such adjustment of status, the Attorney General shall cancel the record of the alien's admission for permanent residence, and the immigrant status of such alien shall thereby be terminated.

(b) The adjustment of status required by subsection (a) shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a)."

The specific exemption in the New York State Tax Law with which we are here concerned is the exemption from taxation as gross income (§ 359[2][j]) of

"j. Wages, fees, or salary of any employee of a foreign government or of an international organization (including a consular or other officer, or a nondiplomatic representative) received as compensation for official services to such government or international organization —

(1) If such employee is not a citizen of the United States; * * *"

Your Department has adopted the following regulation affecting exclusions from gross income:

"76. Compensation of employees of foreign governments and international organizations.

a. The wages, fees or salary of any employee of a foreign government or of an international organization (including a consular or other officer, or a nondiplomatic representative) received as compensation for official services to such government or international organization are excluded from gross income:

(1) If the employee is not a citizen of the United States and has not signed a waiver of rights, privileges, exemptions and immunity pursuant to section 247 of the Immigration and Nationality Act, * * *"
You state that “representatives of the United States Mission to the United Nations have questioned the validity” of this regulation. You have further informed me that the State Department of the United States is of like view. Thus your inquiry resolves itself into a request for my opinion as to the validity of this regulation.

The statutory exemption provided in our Tax Law (§ 359(2) (j) (1)) applies to wages, fees or salary of any employee of an international organization who is not a citizen of the United States. Any waiver an individual might execute under the Federal Immigration and Nationality Act, § 247(b), does not make him a citizen of the United States. He still fits into the language of section 359(2) (j) (1), which exempts employees of an international organization who are not citizens.

In effect your Regulation 76 would be limiting the exemption which was created by statute. That cannot be done by an administrative regulation. An administrative department or agency has “no power” by rule making “to amend or alter express statutory provisions” (Pollard v. Trivia Building Corp., 291 N. Y. 19, 23). This is a thoroughly established and consistently followed principle (see also e.g. 42 Am. Jur., Public Administrative Law § 53; Matter of Federal Tel. & Radio Corp., 301 N. Y. 95, 99; Komar v. Dun & Bradstreet Co., 284 App. Div. 538, 544; Gerber v. Seach Realty Co., 259 App. Div. 667, 670).

I note that an opinion of the Attorney General of the United States (41 Op. Atty. Gen., May 1, 1953) held that the waiver under section 247 (b) waives exemption from Federal income taxation which a non-citizen employee of an international organization enjoys under the Internal Revenue Code of the United States (§ 893, formerly § 116 (h)). The language of the Federal Internal Revenue Code creating the exemption is virtually identical with the language of section 359(2) (j) of the New York statute.

However, it appears to me that there is considerable doubt as to whether the waiver provision in section 247(b), quoted supra — a Federal statute — is not limited to rights, privileges, exemptions and immunities under Federal statutes only. There is no indication in the legislative history of the provision that it was intended to affect exemptions under State laws.

The question appears to me so fraught with doubt that the eradication of a clear statutory exemption in the New York Tax Law should not be attempted to be effected either by application of a Federal statute which does not in plain language declare that it is applicable to exemptions granted by State law (cf. 41 Op. Atty. Gen. [U. S.] January 5, 1954) or, as I have said supra, by administrative regulation adopted by a State department or agency.

Very truly yours,

Louis J. LEFKOWITZ
Attorney General
3. — Ruling of New York State, Department of Taxation and Finance

RULING DATED MARCH 10, 1948, CONCLUDING THAT CERTAIN MEMBERS OF DELEGATIONS TO THE UNITED NATIONS ARE ENTITLED TO EXEMPTION FROM TAXATION UNDER ARTICLES 12-A AND 18 OF NEW YORK STATE TAX LAW

STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE

Albany 1, N. Y.
March 10, 1948

Thomas F. Power, Jr., Esq.,
Deputy Secretary-General,
United States Mission to the
United Nations,
2 Park Avenue,
New York 16, N. Y.

In re: Exemption of members of delegations to the United Nations from taxation under Articles 12(A) and 18 of the Tax Law.

Dear Mr. Power:

Your letter of January 15, 1948, directed to Mr. LaMotte, and your letters dated February 12, 1948 directed to Mr. Goodier, requested an opinion concerning the applicability of the motor fuel and alcoholic beverage taxes to members of delegations to the United Nations.

Under the provisions of Article VI of the United States Constitution " * * * the laws of the United States which shall be made in pursuance thereof; and all treaties made * * * shall be the supreme law of the land." Therefore, the Headquarters Agreement between the United States and the United Nations (Public Law 357, 80th Congress) granting such members the same immunities accorded diplomatic envoys is binding upon the state. Section 15 of the law provides, in part:

" (1) every person designated by a Member as the principal resident representative to the United Nations of such Member or has the rank of ambassador or minister plenipotentiary,

(2) such resident members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States, and the Government of the Member concerned . . . shall, . . . be entitled in the territory of the United States to the same privileges and immunities, subject to corresponding conditions and obligations, as it accords to diplomatic envoys accredited to it."

The term "diplomatic envoys" is applied to diplomatic representatives such as ambassadors, envoys extraordinary and ministers plenipotentiary as distinguished from "consuls" who generally are commercial representatives of a nation. (See In re Baiz, 135, U. S. 403, 419, 424.) Pursuant to international law, arising out of usage and tradition, foreign ambassadors have been regularly held by the Tax Commission to be exempt from the tax imposed by Article 18 of the Tax Law. It would, therefore, appear that such exemption should be extended to similar diplomatic representatives to the United Nations, who under the provisions of the Headquarters Agreement,
are granted the same immunities as diplomatic envoys. (See opinion of
Attorney-General in connection with imports by United Nations dated
November 11, 1946.)

Accordingly, it is my opinion that the principal representatives to the
United Nations and other members of their staffs agreed upon between the
Secretary-General, the Government of the United States and the govern-
ment of the member concerned are, pursuant to the Headquarters Agreement,
accorded exemption from taxation under Article 12-A of the Tax Law,
providing the motor fuel is not used in the conduct of any profession or
business; and under Article 18 in so far as the importation of liquor for
personal use is concerned.

Very truly yours,

(Signed) Mortimer M. Kasell
Deputy Commissioner
and Counsel

C. — City of New York

1. — Law

LOCAL LAW NO. 90 OF 1948 AMENDING SUBDIVISION (b) OF SECTION N 41-2-0
OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK CONCERNING
EXEMPTION OF EXCISE OR SALES TAX

b. Any transaction by or with the following shall not be subject to tax
hereunder:

"3. The United Nations or other world-wide international organi-
izations of which the United States of America is a member;”

2. — Ruling

LETTER OF MARCH 22, 1948 FROM THE DEPUTY MAYOR CONCERNING THE
EXEMPTION FROM THE NEW YORK CITY HOTEL, COMPENSATING USE AND
SALES TAXES OF DELEGATION MEMBERS ENTITLED TO DIPLOMATIC
PRIVILEGES AND IMMUNITIES

CITY OF NEW YORK. OFFICE OF THE MAYOR. NEW YORK 7, N. Y.

March 22, 1948

Hon. Warren R. Austin
The United Nations
Lake Success, N. Y.

Dear Senator:

This is in further reference to your letter of February 19, 1948, addressed
to Mayor O'Dwyer, concerning the exemption of representatives and
employees of the United Nations from the hotel, compensating use and sales
taxes.

This matter was referred to the Corporation Counsel and the Comptroller.
Please be advised that at a conference held March 3, 1948, by the Special
Deputy Comptroller with representatives of the United Nations, the Special
Deputy Comptroller advised that he will issue letters of exemption to
individuals whose names appear on the officially promulgated list of the principal resident representatives to the United Nations and properly designated members of their staffs.

I trust this will clear up the problems raised by your letter.

Very truly yours,

(Signed) John J. Bennett
Deputy Mayor

Venezuela

*Note:* In a note of 11 June 1959, the Minister of Foreign Affairs of Venezuela stated that the only law in force in Venezuela on the subject was the Act of 13 August 1945 concerning the immunities and prerogatives of foreign diplomatic officers. The text of this Act is reproduced in the *United Nations Legislative Series*, Laws and Regulations regarding diplomatic and consular privileges and immunities, ST/LEG/SER.B/7, pp. 402-403.

Yugoslavia

**MEMORANDUM ¹ REGARDING THE LEGAL STATUS OF INTERNATIONAL ORGANIZATIONS IN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA**

The legal status of international organizations in the Federal People's Republic of Yugoslavia is regulated by international agreements concluded with the corresponding international organizations, as well as by Yugoslav general, positive legal provisions.

These organizations enjoy, on the whole, the quality of corporate bodies; they have the right to conclude agreements, acquire real estate and movable property and to appear in court.

I. THE UNITED NATIONS AND SPECIALIZED AGENCIES OF THE UNITED NATIONS


II. OTHER INTERGOVERNMENTAL ORGANIZATIONS

The other intergovernmental organizations of which the Federal People’s Republic of Yugoslavia is a member enjoy, in the Federal People’s Republic

of Yugoslavia, the status of corporate bodies and privileges and immunities indispensable for the carrying out of their tasks on the basis of general Yugoslav legal provisions and conventions on the establishment of corresponding organizations.

III. GENERAL YUGOSLAV LEGAL PROVISIONS ON THE PRIVILEGES AND IMMUNITIES OF INTERGOVERNMENTAL ORGANIZATIONS

A. — Immunity with regard to matters pertaining to criminal law

(a) Criminal Code. Official Gazette of the FPRY, No. 30/1959

Article 175

1. Whoever abuses a foreign state, its flag, coat of arms, shall be punished by imprisonment for not less than three months.

2. Whoever commits an act referred to in paragraph 1 of the present article against the United Nations, the International Red Cross or any other international organization recognized by Yugoslavia shall be punished in the same way.

Article 176

1. Whoever insults the honour and dignity of a foreign chief of state shall be punished by at least three months in prison.

2. Whoever commits an act referred to in paragraph 1 of the present article against the diplomatic representative of a foreign state in Yugoslavia shall be punished by imprisonment lasting up to one year.

3. Whoever commits an act referred to in paragraph 1 of the present article against the representative of the United Nations, the International Red Cross or any other international organization recognized by Yugoslavia shall be punished in the same way.

Article 177

1. Prosecution for the acts referred to in articles 174 to 176 of the present Code will be undertaken officially and, for the acts referred to in articles 175 and 176 of the present Code, also after the approval of the Federal Public Prosecutor.

2. Prosecution for the acts referred to in articles 169 to 172 of the present Code shall be undertaken after the lodging of a private complaint.

3. If the acts referred to in articles 169 and 170 of the present Code are committed against a state organ or an official or military person in connexion with his official work, prosecution will be undertaken upon request. The request is made by the head of the state organ or the official or military person respectively. The superior of an official or military person may also, in addition to these persons, request prosecution.

4. If the acts referred to in articles 169 to 171 of the present Code have been committed against a deceased person, prosecution will be undertaken upon the private complaint of the spouse, children, parents, brothers or sisters of the deceased person.
(b) Law on Criminal Proceedings. Official Gazette of the FPRY, No. 40/1953

Article 119

(Paragraph 3) All communications are addressed to persons enjoying extraterritorial rights in the country through the Secretariat of State for Foreign Affairs unless international agreements stipulate otherwise.

Article 133

The rules of international law apply, with regard to the immunity from criminal proceedings, to persons enjoying the right of extraterritoriality in the FPRY.

In case of doubt that such persons are involved, the court will request an explanation from the Secretariat of State for Foreign Affairs through the Secretariat of State for Juridical Affairs.

(c) Basic Law on Infractions. Official Gazette of the FPRY, No. 2/1959

Article 19

No administrative penal proceedings shall be conducted and no punishment pronounced for infractions by persons enjoying diplomatic immunity.

B. — Immunity in Civil Legal Suits

Law on Civil Proceedings. Official Gazette of the FPRY, No. 4/1957

Article 24

The rules of international law apply with regard to the competence of Yugoslav courts to hear cases of foreign nationals enjoying the right of immunity in Yugoslavia and of hearing the cases of foreign states and intergovernmental organizations.

If there is any doubt as to the existence or extent of the right of immunity, explanations are provided by the Secretariat of State for Foreign Affairs.

C. — Fiscal Immunity

(a) Customs Law. Official Gazette of the FPRY, No. 24/1959

Article 35

(1) No duty will be paid:

1. For items intended for official use and for the direct use of chiefs of foreign states and chiefs of foreign diplomatic missions in Yugoslavia and members of their immediate family, as well as members of the suites of chiefs of foreign states and representatives of foreign states performing a special mission;

2. For the coats of arms, emblems, flags, inscriptions, stamps, furniture and vehicles intended for the direct use of diplomatic and consular missions;

3. For items intended for the needs of international organizations and for the personal use of their representatives and officials if such items are exempt from the payment of duty under international agreements.
(2) Within the limits of reciprocity, no duty will be paid:

1. For items intended for the direct personal use of the diplomatic personnel of foreign diplomatic missions and foreign career consuls general, consuls and vice-consuls in Yugoslavia for their personal use and the use of their immediate families;

2. For the items brought in by the officials of foreign diplomatic and consular missions, provided they were brought in within six months after the arrival of such officials in Yugoslavia on official duty;

3. For items intended for official use of foreign delegations at conferences and negotiations held in Yugoslavia.

(3) In justified cases the customs administration may, at the request of the Secretariat of State for Foreign Affairs, prolong the time limit set in paragraph 2, subparagraph 2 of the present article, as well as permit that these items be brought in several times.

(4) The items exempt from the payment of duty on the basis of this article cannot be put on sale before being reported to the customs.

(b) Law on Tax on Inheritance and Tax on Grants. Official Gazette of the FPRY, No. 19/1955

Article 14

No inheritance tax nor tax on grants will be paid on:

1. . . .
2. . . .
3. . . .

4. Grants given to foreign states or foreign organizations for humanitarian purposes;

5. Grants made by the FPRY to foreign states for the needs of their missions;

6. Grants made to organizations or specialized agencies of the United Nations;

7. . . .

The exemption of foreign nationals and foreign states and organizations from the payment of inheritance tax and tax on grants under subparagraphs 1 to 4 of the preceding paragraph are conditioned upon the reciprocal treatment by foreign states of nationals of the FPRY, or the FPRY and Yugoslav organizations.

(c) Law on the Contribution to Budgets from the Personal Income of Workers. Official Gazette of the FPRY, No. 52/1957

Article 31

Yugoslav nationals who are on the territory of Yugoslavia in the service of diplomatic or consular missions of foreign states or in the service of foreign or international organizations, or in the service of their representatives or officials, are under obligation to pay, under the provisions of the present law, contributions to budgets out of their personal income derived from that employment income.
The contributions to budgets from personal income shall be paid, under the provisions of the preceding paragraph, also from the personal income of foreign nationals employed by diplomatic or consular missions of foreign states or by their representatives or officials, if the recipients of this income are not the nationals of the state in whose mission they are employed and if they were permanent residents on the territory of Yugoslavia before having taken up such employment.

**Article 32**

The contribution to budgets from personal income shall be paid by Yugoslav and foreign nationals whose permanent residence is in Yugoslavia from the personal income realized directly from a foreign country for work done on the territory of Yugoslavia.

Exceptionally, the contribution to budgets from personal income shall not be paid if the personal income referred to in the preceding paragraph has been realized for work done to the benefit and on the account of an international organization of which Yugoslavia is a member.

**Article 34**

Contributions to budgets from personal income shall not be paid:

1. From the earnings of foreign nationals employed by diplomatic and consular missions of foreign states, as well as diplomatic and consular representatives and other officials of these missions, if the recipients of these earnings are the nationals of the state in whose mission they are employed or if they are nationals of other states, but who were brought to this service directly from a foreign country;

2. From the earnings of Yugoslav and foreign nationals employed by foreign or international organizations on the territory of Yugoslavia, if such earnings are exempt from contributions or taxation under international agreement accepted by Yugoslavia;

3. From the earnings of Yugoslav and foreign nationals who act on the territory of Yugoslavia as honorary consuls of foreign states and perform consular duties, under the condition of reciprocity;

4. From the amount of foreign exchange paid to crews in river and maritime transport during the sailing of their vessels outside the territorial waters of the FPRY, as well as the river transport personnel stationed abroad. The amount of foreign currency from which no contribution to budgets from personal income is paid is regulated by the Federal Secretariat of State for Financial Affairs.

*(d) Basic Law on Municipal Rates and Local Taxes.*

*Official Gazette of the FPRY, No. 19/1955*

**Article 5**

No municipal rates or local taxes may be imposed on persons or institutions which, according to international conventions or in conformity with agreed reciprocity between the FPRY and the foreign state, are exempt from taxation, within the framework of the implementation of this reciprocity or agreed provisions.
The exemptions referred to in the preceding paragraph apply to the missions of foreign states and their personnel, as well as to international organizations.

(e) **Law on Tax on the Personal Income of Citizens.**

*Official Gazette of the FPRY, No. 52/1958*

**Article 4**

A taxpayer is liable to pay tax on personal income for every citizen or civil corporate body who or which earns an annual income which is taxable under the present law.

The provisions of the present law relating to civil corporate bodies apply also to foreign state and foreign public corporate bodies, unless otherwise stipulated by the present law.

(f) **Law on Administrative Taxes.**

*Official Gazette of the FPRY, No. 28/1959*

**Article 21**

The following are exempt from the payment of taxes:

(5) Foreign diplomatic and consular representatives in diplomatic and consular affairs—on the basis of reciprocity.

**Article 26**

Tax exemptions may be granted only by law or international agreements.

**Article 27**

Foreign nationals have, under the condition of reciprocity, the same rights, under the present law, as Yugoslav nationals.

**Article 40**

The following operations in the Yugoslav missions abroad, dealing with consular matters, are exempted from tax:

(1) Official acts initiated by state bodies, independent institutions and independent organizations under the condition referred to in article 4, paragraph 2, of the present law, or bodies of a foreign state, if the interest of a private party is not exclusively or predominantly involved.

(5) Visas issued to foreign nationals (under the condition of reciprocity).

D. — Other Privileges

(a) **Law on the Health Insurance of Workers and Office Employees.**

*Official Gazette of the FPRY, No. 51/1954*

**Article 15**

Foreign nationals who are in the territory of the FPRY in the service of international organizations, institutions, foreign diplomatic or consular missions, or in the personal service of foreign nationals enjoying diplomatic
immunity, are exempt from insurance under the provisions of the present law if the eligibility of these persons to health insurance has not been provided by agreements or international treaties. The foreign nationals mentioned in the preceding paragraph may use the right to health insurance under the present law if an institution or organization voluntarily registers the whole of its staff for purposes of insurance.

(b) Law on the Purchase and Sale of Building Lots and Houses. 

Official Gazette of the FPRY, No. 26/1954

Article 47

Buildings may be sold, regardless of to whom they belong, as well as building lots privately owned for the purpose of construction of such buildings, to foreign diplomatic and consular missions, as well as organizations and specialized agencies of the United Nations for official purposes after the preliminary consent of the Federal Executive Council.

(c) Law on the Nationalization of Dwellings and Building Lots.

Official Gazette of the FPRY, No. 52/1958

Article 10

The provisions of the present law do not apply to the buildings and separate parts of buildings of foreign states and international organizations which are used for the needs of foreign diplomatic and consular missions or organizations, as well as dwellings for their personnel, if it is thus provided by international agreements.

(d) Law Amending and Supplemeting the Law on the Competences of People’s Committees, Communes and Districts. Official Gazette of the FPRY, No. 52/1957

Article 83

14. The granting of publicly owned building lots to foreign diplomatic and consular representatives, as well as to the United Nations and specialized agencies of the United Nations for lasting use for the erection of houses for official needs, with the consent of the Federal Secretariat of State for Financial Affairs, with indemnity or without indemnity. (Article 47a, paragraph 1.)

(e) Law on Housing Relationships.

Official Gazette of the FPRY, No. 16/1959

Article 10

(2) The Council of the Communal People’s Committee competent for housing determines the method of management of publicly owned dwellings used predominantly for the needs of foreign diplomatic or consular missions or intergovernmental organizations or as dwellings for their personnel, in harmony with the principles of the social management of dwelling houses.

(3) When managing or determining the method of management of dwellings referred to in the preceding paragraphs, the housing body or the
Council of the Communal People's Committee competent for housing is obliged to respect international law.

Article 118

(1) The amount of the rent paid for the use of apartments by foreign corporate bodies, foreign diplomatic and consular missions, offices of foreign newspapers, foreign news agencies and foreign economic organizations, as well as foreign nationals employed by them, includes also the repayment of investments and the full amount of amortization, which are borne in the case of Yugoslav nationals by social funds.

(2) The District People's Committee shall determine, at the meetings of both Councils, according to the category of apartments, the amount of the rent to be paid by persons referred to in the preceding paragraph.

(3) The part of rent paid by the aforesaid persons for investments and amortization is placed into a communal fund for crediting housing construction or into the funds of those political-territorial units from whose funds the said buildings had been constructed.
SECOND PART
TREATY PROVISIONS

DEUXIÈME PARTIE
DISPOSITIONS DE TRAITÉS
1. Charter of the United Nations and Statute of the International Court of Justice

(a) Charter of the United Nations

Chapter XVI. Miscellaneous Provisions

Article 104
The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 105
1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

(b) Statute of the International Court of Justice

Chapter I. Organization of the Court

Article 19
The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 32
1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special annual allowance.
3. The Vice-President shall receive a special allowance for every day on which he acts as President.

1 Signed at San Francisco on 26 June 1945. Entered into force on 24 October 1945.
2 The Statute forms an integral part of the Charter of the United Nations (article 92 of the Charter).
4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

CHAPTER III. PROCEDURE

Article 42

1. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.


Whereas Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and

Whereas Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Consequently the General Assembly, by a resolution adopted on the 13 February 1946, approved the following Convention and proposed it for accession by each Member of the United Nations.

Article I. Juridical Personality

Section 1. The United Nations shall possess juridical personality.

It shall have the capacity:

(a) To contract;
(b) To acquire and dispose of immovable and movable property;
(c) To institute legal proceedings.

2 For the States which have acceded to this Convention, see below, Appendix (a).
Article II. Property, Funds and Assets

Section 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) The United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

Section 6. In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Section 7. The United Nations, its assets, income and other property shall be:

(a) Exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article III. Facilities in respect of Communications

Section 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Govern-
ment including its diplomatic mission in the matter of priorities, rates and
taxes on mails, cables, telegrams, radiograms, telephotos, telephone and
other communications; and press rates for information to the press and radio.
No censorship shall be applied to the official correspondence and other
official communications of the United Nations.

Section 10. The United Nations shall have the right to use codes and to
despatch and receive its correspondence by courier or in bags, which shall
have the same immunities and privileges as diplomatic couriers and bags.

Article IV. The Representatives of Members

Section 11. Representatives of Members to the principal and subsidiary
organs of the United Nations and to conferences convened by the United
Nations, shall, while exercising their functions and during their journey to
and from the place of meeting, enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of
their personal baggage, and, in respect of words spoken or written and all
acts done by them in their capacity as representatives, immunity from legal
process of every kind;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to receive papers or correspondence by
courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses from immigra-
tions restrictions, aliens registration or national service obligations in the
state they are visiting or through which they are passing in the exercise of
their functions;

(e) The same facilities in respect of currency or exchange restrictions as
are accorded to representatives of foreign governments on temporary
official missions;

(f) The same immunities and facilities in respect of their personal
baggage as are accorded to diplomatic envoys, and also;

(g) Such other privileges, immunities and facilities not inconsistent with
the foregoing as diplomatic envoys enjoy, except that they shall have no right
to claim exemption from customs duties on goods imported (otherwise than
as part of their personal baggage) or from excise duties or sales taxes.

Section 12. In order to secure, for the representatives of Members to the
principal and subsidiary organs of the United Nations and to conferences
convened by the United Nations, complete freedom of speech and indepen-
dence in the discharge of their duties, the immunity from legal process in
respect of words spoken or written and all acts done by them in discharging
their duties shall continue to be accorded, notwithstanding that the persons
concerned are no longer the representatives of Members.

Section 13. Where the incidence of any form of taxation depends upon
residence, periods during which the representatives of Members to the
principal and subsidiary organs of the United Nations and to conferences
convened by the United Nations are present in a state for the discharge of
their duties shall not be considered as periods of residence.

Section 14. Privileges and immunities are accorded to the representatives
of Members not for the personal benefit of the individuals themselves, but
in order to safeguard the independent exercise of their functions in connec-
tion with the United Nations. Consequently a Member not only has the right, but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15. The provisions of Sections 11, 12 and 13 are not applicable as between a representative and the authorities of the state of which he is a national or of which he is or has been the representative.

Section 16. In this article the expression “representatives” shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

Article V. Officials

Section 17. The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18. Officials of the United Nations shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
(b) Be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
(c) Be immune from national service obligations;
(d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
(e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
(f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
(g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19. In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.
Section 21. The United Nations shall co-operate at all times with the appropriate authorities of Members 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, immunities and facilities mentioned in this Article.

Article VI. Experts on Missions for the United Nations

Section 22. Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage;

(b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(c) Inviolability for all papers and documents;

(d) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

Article VII. United Nations Laissez-passer

Section 24. The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by the authorities of Members, taking into account the provisions of Section 25.

Section 25. Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United
Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

Section 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passer on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

Article VIII. Settlement of Disputes

Section 29. The United Nations shall make provisions for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party;

(b) Disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

Final Article

Section 31. This convention is submitted to every Member of the United Nations for accession.

Section 32. Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations, and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Section 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Section 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

Section 35. This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Section 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.
APPENDIX

(a) States which have acceded to the Convention on the Privileges and Immunities of the United Nations (as of 30 October 1959)

Afghanistan (5 September 1947); Albania (with a reservation) (2 July 1957); Argentina (12 October 1956); Australia (2 March 1949); Austria (10 May 1957); Belgium (25 September 1948); Bolivia (23 December 1949); Brazil (15 December 1949); Burma (25 January 1955); Byelorussian Soviet Socialist Republic (with a reservation) (22 October 1953); Canada (with a reservation) (22 January 1948); Chile (15 October 1948); Costa Rica (26 October 1949); Cuba (9 September 1959); Czechoslovakia (with a reservation) (7 September 1955); Denmark (10 June 1948); Dominican Republic (7 March 1947); Ecuador (22 March 1956); El Salvador (9 July 1947); Ethiopia (22 July 1947); Federation of Malaya (31 August 1957); Finland (31 July 1958); France (18 August 1947); Ghana (5 August 1958); Greece (29 December 1947); Guatemala (7 July 1947); Haiti (6 August 1947); Hashemite Kingdom of Jordan (3 January 1958); Honduras (16 May 1947); Hungary (with a reservation) (30 July 1956); Iceland (10 March 1948); India (13 May 1948); Iran (8 May 1947); Iraq (15 September 1949); Israel (21 September 1949); Italy (3 February 1958); Laos (with reservations) (24 November 1956); Lebanon (10 March 1949); Liberia (14 March 1947); Libya (28 November 1958); Luxembourg (14 February 1949); Morocco (18 March 1957); Netherlands (19 April 1948); New Zealand (with a reservation) (10 December 1947); Nicaragua (29 November 1947); Norway (18 August 1947); Pakistan (22 September 1948); Panama (27 May 1947); Paraguay (2 October 1953); Philippines (28 October 1947); Poland (8 January 1948); Romania (with a reservation) (5 July 1956); Sweden (28 August 1947); Thailand (with a reservation) (30 March 1956); Tunisia (7 May 1957); Turkey (with reservations) (22 August 1950); Ukrainian Soviet Socialist Republic (with a reservation) (20 November 1953); Union of Soviet Socialist Republics (with a reservation) (22 September 1953); United Arab Republic; Egypt (17 September 1948); Syria (29 September 1953); United Kingdom of Great Britain and Northern Ireland (17 September 1946); Yugoslavia (30 June 1950).

1 The date in parentheses following the name of each country indicates the date of deposit of the relevant instrument of accession.
2 For the text of reservations, see below under (b).
3 The Government of the Federation of Malaya notified the Secretary-General that it considered itself bound by this Convention as of Merdeka Day (31 August 1957) as a result of the Diplomatic Privileges Order, 1949 (L.N. 369/49), which formed part of the existing law of the Federation in operation immediately before Merdeka Day and which was continued in force after Merdeka Day.
4 By a note dated 1 March 1958, the Minister of Foreign Affairs of the United Arab Republic informed the Secretary-General that “It is to be noted that the Government of the United Arab Republic declares that the Union henceforth is a single Member of the United Nations, bound by the provisions of the Charter, and that all international treaties and agreements concluded by Egypt or other countries with other countries will remain valid within the regional limits prescribed on their conclusion and in accordance with the principles of international law.”
(b) TEXT OF RESERVATIONS

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

"The Byelorussian Soviet Socialist Republic does not consider itself bound by the provision of section 30 of the Convention which envisages the compulsory jurisdiction of the International Court and, in regard to the competence of the International Court in differences arising out of the interpretation and application of the Convention, the Byelorussian Soviet Socialist Republic will, as hitherto, adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provision contained in the same section, whereby the advisory opinion of the International Court shall be accepted as decisive." (Original text in Russian; translation by the Secretariat of the United Nations.)

CANADA

With the reservation that exemption from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada.

CZECHOSLOVAKIA

"... the Czechoslovak Republic does not consider itself bound by section 30 of the Convention which envisages the compulsory jurisdiction of the International Court in differences arising out of the interpretation or application of the Convention; in regard to the competence of the International Court in such differences, the Czechoslovak Republic adheres to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the further provisions contained in the same section, whereby the advisory opinion of the International Court shall be accepted as decisive."

NEW ZEALAND

With the reservation that exemption from rates imposed by any law in New Zealand or taxation imposed on salaries and emoluments, by any law in New Zealand shall not extend to a person who is a British subject and who is domiciled and employed in New Zealand.

THAILAND

"... officials of the United Nations of Thai nationality shall not be immune from national service obligations".

TURKEY

With the following reservations:

(a) The deferment, during service with the United Nations, of the second period of military service of Turkish nationals who occupy posts with the

1 By a notification received by the Secretary-General on 20 June 1957, the Government of Turkey withdrew the second, third and fourth reservations contained in its instrument of accession. For the text of those reservations see: United Nations Treaty Series, vol. 70, p. 266.
said Organization, will be arranged in accordance with the procedures provided in Military Law No. 1111, account being taken of their position as reserve officers or private soldiers, provided that they complete their previous military service as required under Article 6 of the above-mentioned Law, as reserve officers or private soldiers.

(e) Turkish nationals entrusted by the United Nations with a mission in Turkey as officials of the Organization are subject to the taxes payable by their fellow citizens. They must make an annual declaration of their salaries in accordance with the provisions set forth in chapter 4, section 2, of Law No. 5421 concerning income tax. (Original text in Turkish; translation by the Secretariat of the United Nations.)

UKRAINIAN SOVIET SOCIALIST REPUBLIC

"The Ukrainian Soviet Socialist Republic does not consider itself bound by the provision of section 30 of the Convention which envisages the compulsory jurisdiction of the International Court and, in regard to the competence of the International Court in differences arising out of the interpretation and application of the Convention, the Ukrainian Soviet Socialist Republic will, as hitherto, adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provision contained in the same section, whereby the advisory opinion of the International Court shall be accepted as decisive."

UNION OF SOVIET SOCIALIST REPUBLICS

"The Soviet Union does not consider itself bound by the provision of section 30 of the Convention which envisages the compulsory jurisdiction of the International Court and, in regard to the competence of the International Court in differences arising out of the interpretation and application of the Convention, the Soviet Union will, as hitherto, adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provision contained in the same section, whereby the advisory opinion of the International Court shall be accepted as decisive." (Original text in Russian; translation by the Secretariat of the United Nations.)

HUNGARY

The Presidential Council of the Hungarian People's Republic expressly reserves its position with regard to section 30 of the Convention, since, in its opinion, the jurisdiction of the International Court of Justice can be founded only on the voluntary prior acceptance of such jurisdiction by all the parties concerned. (Translation by the Secretariat of the United Nations.)

ROMANIA

The Romanian People's Republic does not consider itself bound by the terms of section 30 of the Convention which provide for the compulsory jurisdiction of the International Court in differences arising out of the interpretation or application of the Convention; with respect to the competence
of the International Court in such differences, the Romanian People’s Republic takes the view that, for the purpose of the submission of any dispute whatsoever to the Court for a ruling, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provisions contained in the said section which stipulate that the advisory opinion of the International Court is to be accepted as decisive.

LAOS

1. Laotian nationals domiciled or habitually resident in Laos shall not enjoy exemption from the taxation payable in Laos on salaries and income.

2. Laotian nationals who are officials of the United Nations shall not be immune from National Service obligations.

ALBANIA

The People’s Republic of Albania does not consider itself bound by the provisions of section 30, which provide that any difference arising out of the interpretation or application of the present Convention shall be brought before the International Court of Justice, whose opinion shall be accepted as decisive by the parties; with respect to the competence of the Court in disputes relating to the interpretation or application of the Convention, the People’s Republic of Albania will continue to maintain, as it has heretofore, that in every individual case the agreement of all the parties to the dispute is required in order that the dispute may be laid before the International Court of Justice for a ruling.

3. Échange de lettres constatant un accord entre la Cour internationale de Justice et les Pays-Bas se rapportant aux privilèges et immunités des membres de la Cour internationale de Justice, du greffier, des fonctionnaires du greffe, des assesseurs, des agents et conseils des parties, ainsi que des témoins et experts. La Haye, le 26 juin 1946

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N° 1

LETTRE DU PRÉSIDENT DE LA COUR INTERNATIONALE DE JUSTICE

AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

La Haye, le 26 juin 1946

Monsieur le Ministre,

Comme le sait Votre Excellence, l’Assemblée générale des Nations Unies a, le 19 janvier 1946, chargé sa Sixième Commission d’examiner la question des privilèges, immunités et facilités à accorder à l’Organisation des Nations Unies. S’acquittant de cette tâche, la Sixième Commission a élaboré un certain nombre de projets de résolutions. L’un d’eux vise l’adoption d’une Convention générale, qui comporte un article V où sont déterminés

1 Entré en vigueur le 11 décembre 1946, date d’approbation par l’Assemblée générale [résolution 90 (1)]. Texte officiel français.

les privilèges, immunités, exemptions et facilités dont devront jouir d’une façon générale les fonctionnaires de l’Organisation.

En ce qui concerne la Cour internationale de Justice, la Sixième Commission lui a consacré une résolution spéciale. Ayant examiné la question des privilèges et immunités à accorder aux membres de la Cour, aux Greffier et fonctionnaires de la Cour ainsi qu’aux agents, conseils et avocats des parties, elle a recommandé que la Cour elle-même soit invitée, en vue de s’assurer le bénéfice des privilèges, immunités et facilités nécessaires à l’exercice de ses fonctions et à l’accomplissement de sa tâche, soit dans le pays où son siège sera établi, soit dans tout autre pays, à formuler des recommandations qui seraient communiquées au Secrétaire général.

La raison pour laquelle l’Assemblée générale a traité séparément le cas de la Cour internationale de Justice et s’en est remise à elle des propositions à formuler, est que le Statut de la Cour, annexé à la Charte, dont il fait partie intégrante, prescrit déjà, dans son Article 19, que les membres de la Cour jouissent, dans l’exercice de leurs fonctions, des privilèges et immunités diplomatiques; et, dans son Article 42, que les agents, conseils et avocats des parties devant la Cour jouiront des privilèges et immunités nécessaires à l’exercice indépendant de leurs fonctions. C’est sans doute aussi que la Cour est un organisme dont les membres, assistés d’un personnel restreint, exercent des fonctions de caractère tout particulier, et dont, par suite, les besoins sont différents de ceux des autres organes des Nations Unies.

Quoi qu’il en soit, en vue de donner au mieux effet en ce qui concerne le territoire néerlandais, à la résolution de l’Assemblée mentionnée plus haut, des entretiens ont eu lieu entre des représentants du Ministère des Affaires étrangères néerlandais et des représentants de la Cour. Ces entretiens, tenant compte des excellentes relations traditionnelles entre les organismes judiciaires internationaux et le Gouvernement des Pays-Bas, ont abouti à une entente sur les principes généraux qui devraient régir la matière.

Les principes généraux dont il s’agit sont formulés dans l’appendice de la présente note. En communiquant ce document à Votre Excellence, j’ai l’honneur de la prier de me confirmer que sa teneur correspond bien à l’entente intervenue.

Je voudrais ajouter ce qui suit. Dans le rapport où la Cour, en transmettant ses recommandations relatives aux privilèges et immunités, invite le Secrétaire général des Nations Unies à prier l’Assemblée générale de déclarer satisfaisante l’entente intervenue entre le Gouvernement des Pays-Bas et la Cour, il est fait spécialement mention de la libéralité des traditions néerlandaises en la matière.

D’autre part, j’espère que vous voudrez bien constater avec moi que la question de la préséance traitée autrefois sous le paragraphe IV des Principes généraux, annexés aux lettres échangées entre le Président de la Cour permanente de Justice internationale et le Ministre des Affaires étrangères des Pays-Bas, le 22 mai 1928, reste en dehors du présent accord. Je vous serais reconnaissant de bien vouloir me confirmer aussi votre accord sur ce point.

(Signé) J. G. GUERRERO

Président de la Cour internationale de Justice
APPENDICE

1. En ce qui concerne les privilèges, immunités, facilités et prérogatives, sur le territoire des Pays-Bas, des personnes non néerlandaises de la Cour internationale de Justice:

   a) Les membres de la Cour bénéficient, d’une manière générale, du même traitement que les chefs de mission diplomatique accrédités près Sa Majesté la Reine des Pays-Bas. Cette disposition, pour ce qui est des privilèges, immunités et facilités susvisés, est également applicable au Greffier de la Cour ainsi qu’au Greffier adjoint quand celui-ci remplace le Greffier.

   b) Le Greffier adjoint de la Cour bénéficie, d’une manière générale, du même traitement que les conseillers attachés aux missions diplomatiques à La Haye.

   Les fonctionnaires supérieurs de la Cour — premiers secrétaires et secrétaires — bénéficient, d’une manière générale, du même traitement que les secrétaires attachés aux missions diplomatiques à La Haye.

   c) Les autres fonctionnaires de la Cour sont traités comme les fonctionnaires de rang comparable attachés aux missions diplomatiques à La Haye.

2. Les membres de la Cour, le Greffier et les fonctionnaires supérieurs de la Cour de nationalité néerlandaise n’ont pas à répondre devant la juridiction locale des actes qu’ils accomplissent en leur qualité officielle et dans la limite de leurs attributions.

   Les ressortissants néerlandais, de quelque rang qu’ils soient, sont exonérés des impôts directs pour les traitements qui leur sont alloués sur le budget de la Cour.

3. La femme et les enfants non mariés des membres de la Cour, du Greffier et des fonctionnaires supérieurs de la Cour de nationalité non néerlandaise, partagent la condition du chef de famille s’ils vivent avec lui et sont sans profession. La suite privée (institutrices, secrétaires particuliers, domestiques, etc.) bénéficie de la même situation que celle qui est accordée à la suite privée des personnes diplomatiques de rang comparable dans chaque cas.

4. Les privilèges et immunités sont accordés dans l’intérêt de l’administration de la justice internationale et non dans l’intérêt personnel des bénéficiaires.

   En ce qui concerne les fonctionnaires du Greffe, il appartient au Greffier avec l’approbation du Président, de procéder à la levée des immunités, en tenant compte du principe formulé à l’alinéa précédent. Dans le cas du Greffier, la Cour exercera cette fonction.

5. Les assesseurs de la Cour, ainsi que les agents, conseils et avocats des parties, bénéficient des privilèges, immunités et facilités de séjour et de voyage qu’exige l’exercice indépendant de leurs fonctions.

   Les témoins et experts bénéficient des immunités et facilités nécessaires à l’accomplissement de leur mission.
LETTRE DU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS
AU PRÉSIDENT DE LA COUR INTERNATIONALE DE JUSTICE

La Haye, le 26 juin 1946

Monsieur le Président,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence en date du 26 juin, par laquelle Elle a bien voulu attirer mon attention sur la résolution, élaborée par la Sixième Commission de l'Assemblée des Nations Unies, concernant les privilèges et immunités à accorder à la Cour internationale de Justice.

J'ai été heureux de constater que Votre Excellence a bien voulu mentionner que les entretiens qui ont eu lieu entre des représentants de la Cour et des représentants de mon Ministère ont tenu compte des excellentes relations traditionnelles entre les organismes judiciaires internationaux d'une part et le Gouvernement de la Reine d'autre part, et je m'empresse d'assurer à Votre Excellence que le Gouvernement de la Reine lui aussi garde un bon souvenir des relations qui ont existé entre lui et la Cour permanente de Justice internationale.

Conformément à sa demande, je tiens à confirmer à Votre Excellence que l'appendice qui était joint à la lettre susmentionnée de Votre Excellence correspond entièrement à l'entente intervenue lors de ces entretiens, et qu'il reproduit exactement la manière de voir du Gouvernement néerlandais en cette matière.

J'apprécie hautement que, dans le rapport où la Cour, en transmettant ses recommandations relatives aux privilèges et immunités, invite le Secrétaire général des Nations Unies à prier l'Assemblée générale de déclarer satisfaissante l'entente intervenue entre le Gouvernement des Pays-Bas et la Cour : il est fait spécialement mention de la libéralité des traditions néerlandaises en la matière.

Me référant au dernier alinéa de la lettre susmentionnée de Votre Excellence, je me permets de confirmer qu'il est entendu que la question de la préséance, traitée autrefois sous le paragraphe IV des Principes généraux annexés aux lettres échangées entre le Président de la Cour permanente de Justice internationale et le Ministre des Affaires étrangères des Pays-Bas le 22 mai 1928, reste en dehors du présent accord.

(Signé) J. H. VAN ROIJEN
Ministre des Affaires étrangères


Whereas the General Assembly of the United Nations on 12 February 1946, approved a Common Plan for the transfer of certain assets of the League of


Nations to the United Nations which had been previously agreed upon between a Committee set up by the Preparatory Commission of the United Nations and the Supervisory Commission of the League of Nations; and 

Whereas the Assembly of the League of Nations approved the said Common Plan on 18 April 1946,

The Secretary-General of the United Nations on the one hand and the Swiss Federal Council on the other hand have agreed to the following Interim Arrangement for the purpose of determining the privileges and immunities to be granted to the United Nations, to the representatives of its Members and to its officials, and of regulating other related matters.

Article I. Juridical Personality

Section 1. The Swiss Federal Council recognizes the international personality and legal capacity of the United Nations. Consequently, according to the rules of international law, the Organization cannot be sued before the Swiss Courts without its express consent.

Article II. Property, funds and assets

Section 2. The premises of the United Nations shall be inviolable. The property and assets of the United Nations in Switzerland shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 3. The archives of the United Nations, and in general all documents belonging to it or held by it in Switzerland, shall be inviolable.

Section 4. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) The United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The United Nations shall be free to transfer its funds, gold or currency to or from Switzerland or within Switzerland and to convert any currency held by it into any other currency.

In exercising its rights under this section, the United Nations shall pay due regard to any representations made by the Swiss Federal Council in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 5. The United Nations, its assets, income and other property shall be:

(a) Exempt from all direct and indirect taxes whether federal, cantonal or communal. It is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) Exempt from the *droit de timbre* on coupons instituted by the Swiss Federal law of 25 June 1921, and from the *impôt anticipé* introduced by the Federal Council decree, 1 September 1943, and supplemented by the Federal Council decree of 31 October 1944. The exemption shall be effected by the repayment to the United Nations of the amount of tax levied on its assets;
(c) Exempt from all customs duties in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in Switzerland except under conditions agreed with the Swiss Federal Council;

(d) Exempt from all prohibitions and restrictions on imports and exports in respect of articles intended for the official use of the United Nations, on the understanding that the United Nations will use its good offices to obtain if necessary the consent of any other State which may be concerned, and subject to the provisions of general international conventions and public health measures;

(e) Exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of its publications.

Section 6. The United Nations does not propose, as a general rule, to claim exemption from indirect taxes or sales taxes included in the price of movable or immovable property. Its intention is to claim this exemption only in the case of important purchases effected by the United Nations for its official purposes where such taxes are included in the price. In cases of this kind, the Swiss Federal Council will make appropriate administrative arrangements for the remission or return of the amount of such taxes.

Article III. Facilities in respect of communications

Section 7. The United Nations shall enjoy in Switzerland for its official communications treatment not less favourable than that accorded by the Swiss Federal Council to any Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radio-grams, telephotos, telephone and other communications; and press rates for information to the press and radio in conformity with the International Convention on Telecommunications. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 8. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article IV. The representatives of Members of the United Nations

Section 9. Representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and acts done by them in their capacity as representatives immunity from legal process of every kind;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations;
(e) The same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on temporary official missions;

(f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents;

(g) Such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic agents enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

Section 10. In order to secure for the representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members of the United Nations.

Section 11. If the incidence of any form of taxation depends upon residence in Switzerland, periods during which the representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations are present in Switzerland for the discharge of their duties shall not be considered as periods of residence.

Section 12. Privileges and immunities are accorded to the representatives of Members of the United Nations not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the United Nations. Consequently, a Member of the United Nations not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of that Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 13. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisors, technical experts and secretaries of delegations.

Article V. Officials of the United Nations

Sections 14. The Secretary-General will from time to time make known to the Swiss Federal Council, in the same manner as to the Governments of Member States, the names of those officials to whom the provisions of this article and article VII shall apply.

Section 15. Officials of the United Nations shall:

(a) Be immune from legal process in respect of words spoken or written and acts performed by them in their official capacity;

(b) Be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) Be immune from national service obligations, subject to the special provisions contained in the Annex to the present Arrangement concerning officials of Swiss nationality;
(d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Swiss Federal Council;

(f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic agents;

(g) Have the right to import free of duty their furniture and effects on the occasion of first taking up their post in Switzerland.

Section 16. In addition to the immunities and privileges specified in Section 15, the Secretary-General and all Assistant Secretaries-General and, if the Secretary-General should so desire, the chief administrative officer of the United Nations in Switzerland, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemption and facilities accorded to diplomatic envoys in accordance with international law.

Section 17. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 18. The United Nations shall co-operate at all times with the appropriate Swiss authorities to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities mentioned in this article.

**Article VI. Experts on missions for the United Nations**

Section 19. Experts (other than officials coming within the scope of article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular they shall be accorded:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage;

(b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(c) Inviolability for all papers and documents;

(d) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
(e) The same facilities in respect of currency or currency or exchange regulations as are accorded to representatives of foreign governments on temporary official missions;

(f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

Section 20. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case, where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

Article VII. United Nations laissez-passer

Section 21. The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by the Swiss authorities taking into account the provisions of Section 22.

Section 22. Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 23. Similar facilities to those specified in Section 22 shall be accorded to experts and other persons who, though not holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

Section 24. The Secretary-General, Assistant Secretaries-General, Directors and, if the Secretary-General should so desire, the chief administrative officer of the United Nations in Switzerland, travelling on United Nations laissez-passer on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 25. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

Article VIII. Settlement of disputes

Section 26. The United Nations shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;

(b) Disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 27. Any dispute between the United Nations and the Swiss Federal Council concerning the interpretation or application of this Interim Arrangement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a board of three arbitrators of whom the first shall be appointed by the Swiss Federal Council,
the second by the Secretary-General of the United Nations, and a presiding
arbitrator by the President of the International Court of Justice, unless in
any specific case the parties agree to resort to a different mode of settlement.

Final Article

Section 28. This Interim Arrangement shall enter into force immediately
upon its signature on behalf of the Swiss Federal Council and by the Secre-
tary-General of the United Nations or on his behalf.

Section 29. The provisions of this Interim Arrangement can be modified
only by agreement between the Secretary-General and the Swiss Federal
Council. If agreement cannot be reached, the Secretary General or the
Swiss Federal Council may denounce the whole, or any section, of this
Arrangement. In this case, unless the Secretary General and the Swiss
Federal Council otherwise agree, the Arrangement or the sections in question
shall remain in force for three months from the date of such denunciation.

Done and signed at Berne, on 11 June 1946, and at New York, on 1 July
1946, in four copies, two in French and two in English, the texts in both
languages being equally authentic.

For the United Nations: For the Swiss Confederation:
The Head of the Federal Political
Department:

Trygve Lie Max Petitpierre

ANNEX TO THE ARRANGEMENT

1. The Secretary General of the United Nations will communicate to
the Swiss Federal Council a list of officials of Swiss nationality liable for
service of a military nature.

2. The Secretary General of the United Nations and the Swiss Federal
Council will draw up by agreement a limited list of officials of Swiss nation-
ality who will be granted dispensation in view of the office which they hold.

3. If other officials of Swiss nationality are called up, the Secretariat of
the United Nations, through the Federal Political Department, may ask for
postponement or some other appropriate measure.

ÉCHANGE DE LETTRES ENTRE LE CHEF DU DÉPARTEMENT POLITIQUE
ET LE SECRÉTAIRE GÉNÉRAL DES NATIONS UNIES
DES 22 OCTOBRE ET 4 NOVEMBRE 1946

Le Chef du Département
politique fédéral

Berne, le 22 octobre 1946.

Monsieur le Secrétaire général,

1. Selon l'entente intervenue entre nous lors de votre visite à Berne, j'ai
l'honneur de vous faire connaître les vues du Conseil fédéral suisse, pour
autant que cela puisse le concerner, sur l'affectation par les Nations Unies de
leurs propriétés à Genève.

2. Ainsi que vous avez pu vous en persuader, le gouvernement et le
peuple suisses, fidèles à leurs anciennes traditions de paix par le droit, sont
ardemment désireux d’assurer sur leur territoire, aux Nations Unies, toutes les facilités possibles pour l’accomplissement des tâches définies dans la Charte de San Francisco. Aussi est-ce avec empressement que nous avons conclu avec vous un accord provisoire pour régler, à votre entière satisfaction, nous aimons à le croire, toutes les questions que la présence parmi nous de délégués, experts et fonctionnaires internationaux a pu faire surgir.

3. J’ai l’honneur de vous confirmer que les dispositions de cet accord s’appliquent à tous les services et à toutes les réunions que les Nations Unies jugeraient bon d’établir ou de convoquer en Suisse, sans aucune distinction.

4. Il est entendu que la Confédération suisse n’encourt aucune responsabilité du fait des activités en Suisse de l’Organisation des Nations Unies, de ses organes, de ses fonctionnaires et de toute personne agissant pour son compte ou en son nom.

5. Il est entendu en outre que des opérations militaires en cas de conflit entre États membres des Nations Unies ou entre les Nations Unies et un État tiers ne seront en aucun cas dirigées du territoire suisse.


7. En vous demandant de bien vouloir soumettre le texte de la présente communication à l’Assemblée générale des Nations Unies pour approbation, je vous prie d’agréer, Monsieur le Secrétaire général, l’assurance de ma haute considération.

(Signé) Max Petitpierre

UNITED NATIONS
Lake Success, New York Fieldstone 7-1100
Executive Office of the Secretary-General

Monsieur le Conseiller fédéral,

J’ai l’honneur d’accuser réception et de vous remercier de vos deux lettres en date du 22 octobre 1946.


THE UNITED NATIONS AND THE UNITED STATES OF AMERICA,

Desiring to conclude an agreement for the purpose of carrying out the Resolution adopted by the General Assembly on 14 December 1946 to establish the seat of the United Nations in the City of New York and to regulate questions arising as a result thereof:

Have appointed as their representatives for this purpose:

The United Nations: Trygve Lie, Secretary-General, and

The United States of America: George C. Marshall, Secretary of State,

Who have agreed as follows:

**Article I. Definitions**

Section 1. In this agreement:

(a) The expression "headquarters district" means: (1) the area defined as such in Annex 1; (2) any other lands or buildings which may from time to time be included therein by supplemental agreement with the appropriate American authorities;

(b) the expression "appropriate American authorities" means such federal, state, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the state and local government involved;

(c) the expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations on 13 February 1946, as acceded to by the United States;

(d) the expression "United Nations" means the international organization established by the Charter of the United Nations, hereinafter referred to as the "Charter";

(e) the expression "Secretary-General" means the Secretary-General of the United Nations.

**Article II. The Headquarters District**

Section 2. The seat of the United Nations shall be the headquarters district.

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1 Came into force on 21 November 1947 by an Exchange of Notes, in accordance with section 28.

Section 3. The appropriate American authorities shall take whatever action may be necessary to assure that the United Nations shall not be dispossessed of its property in the headquarters district, except as provided in section 22 in the event that the United Nations ceases to use the same, provided that the United Nations shall reimburse the appropriate American authorities for any costs incurred, after consultation with the United Nations, in liquidating by eminent domain proceedings or otherwise any adverse claims.

Section 4. (a) The United Nations may establish and operate in the headquarters district:

1. its own short-wave sending and receiving radio broadcasting facilities, including emergency link equipment, which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable United States regulations) for radiotelegraph, radioteletype, radiotelephone, radiotelephoto, and similar services;

2. one point-to-point circuit between the headquarters district and the office of the United Nations in Geneva (using single sideband equipment) to be used exclusively for the exchange of broadcasting programs and inter-office communications;

3. low power, micro-wave, low or medium frequency facilities for communication within headquarters buildings only, or such other buildings as may temporarily be used by the United Nations;

4. facilities for point-to-point communications to the same extent and subject to the same conditions as permitted under applicable rules and regulations for amateur operators in the United States, except that such rules and regulations shall not be applied in a manner inconsistent with the inviolability of the headquarters district provided by section 9 (a);

5. such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate American authorities.

(b) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government of the United States and the appropriate agencies of other affected Governments with regard to all frequencies and similar matters.

(c) The facilities provided for in this section may, to the extent necessary for efficient operation, be established and operated outside the headquarters district. The appropriate American authorities will, on request of the United Nations, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the United Nations of appropriate premises for such purposes and the inclusion of such premises in the headquarters district.

Section 5. In the event that the United Nations should find it necessary and desirable to establish and operate an aerodrome, the conditions for the location, use and operation of such an aerodrome and the conditions under which there shall be entry into and exit therefrom shall be the subject of a supplemental agreement.

Section 6. In the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a supplemental agreement.
Article III. Law and Authority in the Headquarters District

Section 7. (a) The headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the headquarters district as provided in applicable federal, state and local laws.

(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the headquarters district, shall take into account the regulations enacted by the United Nations under section 8.

Section 8. The United Nations shall have the power to make regulations operative within the headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in Section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

Section 9. (a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary-General.

(b) Without prejudice to the provisions of the General Convention or Article IV of this agreement, the United Nations shall prevent the headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state, or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavoring to avoid service of legal process.

Section 10. The United Nations may expel or exclude persons from the headquarters district for violation of its regulations adopted under Section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the
provisions of such laws or regulations as may be adopted by the appropriate American authorities.

Article IV. Communications and Transit

Section 11. The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of: (1) representatives of Members or officials of the United Nations, or of specialized agencies as defined in Article 57, paragraph 2, of the Charter, or the families of such representatives or officials, (2) experts performing missions for the United Nations or for such specialized agencies, (3) representatives of the press, or of radio, film or other information agencies, who have been accredited by the United Nations (or by such a specialized agency) in its discretion after consultation with the United States, (4) representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter, or (5) other persons invited to the headquarters district by the United Nations or by such specialized agency on official business. The appropriate American authorities shall afford any necessary protection to such persons while in transit to or from the headquarters district. This section does not apply to general interruptions of transportation which are to be dealt with as provided in Section 17, and does not impair the effectiveness of generally applicable laws and regulations as to the operation of means of transportation.

Section 12. The provisions of Section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States.

Section 13. (a) Laws and regulations in force in the United States regarding the entry of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11. When visas are required for persons referred to in that section, they shall be granted without charge and as promptly as possible.

(b) Laws and regulations in force in the United States regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11 and, specifically, shall not be applied in such manner as to require any such person to leave the United States on account of any activities performed by him in his official capacity. In case of abuse of such privileges of residence by any such person in activities in the United States outside his official capacity, it is understood that the privileges referred to in Section 11 shall not be construed to grant him exemption from the laws and regulations of the United States regarding the continued residence of aliens, provided that:

(1) No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member (or a member of his family) or with the Secretary-General or the principal executive officer of the appropriate specialized agency in the case of any other person referred to in Section 11;

(2) A representative of the Member concerned, the Secretary-General or the principal executive officer of the appropriate specialized agency,
as the case may be, shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted;

(3) Persons who are entitled to diplomatic privileges and immunities under Section 15 or under the General Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States.

(c) This section does not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by Section 11 come within the classes described in that section, or the reasonable application of quarantine and public health regulations.

(d) Except as provided above in this section and in the General Convention, the United States retains full control and authority over the entry of persons or property into the territory of the United States and the conditions under which persons may remain or reside there.

(e) The Secretary-General shall, at the request of the appropriate American authorities, enter into discussions with such authorities, with a view to making arrangements for registering the arrival and departure of persons who have been granted visas valid only for transit to and from the headquarters district and sojourn therein and in its immediate vicinity.

(f) The United Nations shall, subject to the foregoing provisions of this section, have the exclusive right to authorize or prohibit entry of persons and property into the headquarters district and to prescribe the conditions under which persons may remain or reside there.

Section 14. The Secretary-General and the appropriate American authorities shall, at the request of either of them, consult, as to methods of facilitating entrance into the United States, and the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters district and do not enjoy the rights referred to in this Article.

Article V. Resident Representatives to the United Nations

Section 15. (1) Every person designated by a Member as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary,

(2) such resident members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States and the Government of the Member concerned;

(3) every person designated by a member of a specialized agency, as defined in Article 57, paragraph 2 of the Charter, as its principal permanent representative, with the rank of ambassador or minister plenipotentiary at the headquarters of such agency in the United States, and

(4) such other principal resident representatives of members of a specialized agency and such resident members of the staffs of representatives of a specialized agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States and the Government of the Member concerned,

shall, whether residing inside or outside the headquarters district, be entitled in the territory of the United States to the same privileges and immunities, subject to corresponding conditions and obligations, as it accords to diplomatic envoys accredited to it. In the case of Members whose governments
are not recognized by the United States, such privileges and immunities need be extended to such representatives, or persons on the staffs of such representatives, only within the headquarters district, at their residences and offices outside the district, in transit between the district and such residences and offices, and in transit on official business to or from foreign countries.

Article VI. Police Protection of the Headquarters District

Section 16. (a) The appropriate American authorities shall exercise due diligence to ensure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

(b) If so requested by the Secretary-General, the appropriate American authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters district, and for the removal therefrom of persons as requested under the authority of the United Nations. The United Nations shall, if requested, enter into arrangements with the appropriate American authorities to reimburse them for the reasonable cost of such services.

Article VII. Public Services and Protection of the Headquarters District

Section 17. (a) The appropriate American authorities will exercise, to the extent requested by the Secretary-General, the powers which they possess to ensure that the headquarters district shall be supplied on equitable terms with the necessary public services, including electricity, water, gas, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, snow removal, et cetera. In case of any interruption or threatened interruption of any such services, the appropriate American authorities will consider the needs of the United Nations as being of equal importance with the similar needs of essential agencies of the Government of the United States, and will take steps accordingly to ensure that the work of the United Nations is not prejudiced.

(b) Special provision with reference to maintenance of utilities and underground construction are contained in Annex 2.

Section 18. The appropriate American authorities shall take all reasonable steps to ensure that the amenities of the headquarters district are not prejudiced and the purposes for which the district is required are not obstructed by any use made of the land in the vicinity of the district. The United Nations shall on its part take all reasonable steps to ensure that the amenities of the land in the vicinity of the headquarters district are not prejudiced by any use made of the land in the headquarters district by the United Nations.

Section 19. It is agreed that no form of racial or religious discrimination shall be permitted within the headquarters district.

Article VIII. Matters Relating to the Operation of this Agreement

Section 20. The Secretary-General and the appropriate American authorities shall settle by agreement the channels through which they will communicate regarding the application of the provisions of this agreement and other
questions affecting the headquarters district, and may enter into such supplemental agreement as may be necessary to fulfill the purposes of this agreement. In making supplemental agreements with the Secretary-General, the United States shall consult with the appropriate state and local authorities. If the Secretary-General so requests, the Secretary of State of the United States shall appoint a special representative for the purpose of liaison with the Secretary-General.

Section 21. (a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary-General or the United States may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

Article IX. Miscellaneous provisions

Section 22. (a) The United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States. If the United States is unwilling to consent it shall buy the land in question from the United Nations at a price to be determined as provided in paragraph (d) of this section.

(b) If the seat of the United Nations is removed from the headquarters district, all right, title and interest of the United Nations in and to real property in the headquarters district or any part of it shall, on request of either the United Nations or the United States, be assigned and conveyed to the United States. In the absence of such request, the same shall be assigned and conveyed to the sub-division of a state in which it is located or, if such sub-division shall not desire it, then to the state in which it is located. If none of the foregoing desire the same, it may be disposed of as provided in paragraph (a) of this section.

(c) If the United Nations disposes of all or any part of the headquarters district, the provisions of other sections of this agreement which apply to the headquarters district shall immediately cease to apply to the land and buildings so disposed of.

(d) The price to be paid for any conveyance under this section shall, in default of agreement, be the then fair value of the land, buildings and installations, to be determined under the procedure provided in Section 21.

Section 23. The seat of the United Nations shall not be removed from the headquarters district unless the United Nations should so decide.

Section 24. This agreement shall cease to be in force if the seat of the United Nations is removed from the territory of the United States, except for such provisions as may be applicable in connection with the orderly
termination of the operations of the United Nations at its seat in the United States and the disposition of its property therein.

Section 25. Wherever this agreement imposes obligations on the appropriate American authorities, the Government of the United States shall have the ultimate responsibility for the fulfillment of such obligations by the appropriate American authorities.

Section 26. The provisions of this agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this agreement and any provisions of the General Convention relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this agreement shall prevail.

Section 27. This agreement shall be construed in the light of its primary purpose to enable the United Nations at its headquarters in the United States, fully and efficiently, to discharge its responsibilities and fulfill its purposes.

Section 28. This agreement shall be brought into effect by an exchange of notes between the Secretary-General, duly authorized pursuant to a resolution of the General Assembly of the United Nations, and the appropriate executive officer of the United States, duly authorized pursuant to appropriate action of the Congress.

IN WITNESS WHEREOF the respective representatives have signed this agreement and have affixed their seals hereto.

DONE in duplicate, in the English and French languages, both authentic, at Lake Success, this twenty-sixth day of June 1947.

For the United Nations:

Trygve Lie
Secretary-General

For the Government of the United States of America:

G. C. Marshall
Secretary of State

ANNEX 1

The area referred to in Section 1, (a) (1) consists of:

(a) the premises bounded on the East by the westerly side of Franklin D. Roosevelt Drive, on the West by the easterly side of First Avenue, on the North by the southerly side of East Forty-Eighth Street, and on the South by the northerly side of East Forty-Second Street, all as proposed to be widened, in the borough of Manhattan, City and State of New York, and

(b) an easement over Franklin D. Roosevelt Drive, above a lower limiting plane to be fixed for the construction and maintenance of an esplanade, together with the structures thereon and foundations and columns to support the same in locations below such limiting plane, the entire area to be more definitely defined by supplemental agreement between the United Nations and the United States of America.
ANNEX 2

MAINTENANCE OF UTILITIES AND UNDERGROUND CONSTRUCTION

Section 1. The Secretary-General agrees to provide passes to duly authorized employees of the City of New York, the State of New York, or any of their agencies or sub-divisions, for the purpose of enabling them to inspect, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters district.

Section 2. Underground constructions may be undertaken by the City of New York, or the State of New York, or any of their agencies or subdivisions, within the headquarters district only after consultation with the Secretary-General, and under conditions which shall not disturb the carrying out of the functions of the United Nations.

EXCHANGE OF NOTES

I

Lake Success, New York, 21 November 1947

Sir,

I have the honour to refer to the resolution adopted by the General Assembly on 31 October 1947, at its one hundred and first meeting, relative to the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, signed at Lake Success on 26 June 1947.

By this resolution the General Assembly, after having studied the report of its Sixth Committee and endorsed the opinions expressed therein, has approved the above-mentioned Agreement, which states and defines the mutual obligations of the United Nations and the United States in connection with the establishment of the permanent Headquarters of the United Nations in the United States. The resolution, consequently, has authorized me to bring that Agreement into force in the manner provided in section 28 of the Agreement.

Pursuant to the resolution and in conformity with section 28 of the Agreement, I have the honour to propose that the present note and your note of this day be considered as bringing the Headquarters Agreement into effect under date hereof.

I have the honour to be, Sir, your obedient servant,

(Signed) Trygve Lie
Secretary-General

The Honorable Warren R. Austin
Permanent Representative of the United States of America at the Seat of the United Nations

Excellency:

I have the honor to refer to section 28 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, which provides for bringing that Agreement into effect by an exchange of notes. Reference is made also to the provisions of United States Public Law 357, 80th Congress, entitled "Joint Resolution Authorizing the President to bring into effect an agreement between the United States and the United Nations for the purpose of establishing the permanent headquarters of the United Nations in the United States and authorizing the taking of measures necessary to facilitate compliance with the provisions of such agreement, and for other purposes"); which was approved by the President of the United States of America on August 4, 1947.

Pursuant to instructions from my Government, I have the honor to inform you that the Government of the United States of America is prepared to apply the above-mentioned Headquarters Agreement subject to the provisions of Public Law 357.

I have been instructed by my Government to propose that the present note and your note of this date be considered as bringing the Headquarters Agreement into effect on the date hereof.

Accept, Excellency the renewed assurances of my highest consideration.

(Signed) Warren R. Austin
United States Representative
to the United Nations

His Excellency Trygve Lie
Secretary-General
of the United Nations

INTERIM HEADQUARTERS AGREEMENT ¹ BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA ²
SIGNED AT LAKE SUCCESS, ON 18 DECEMBER 1947

The United Nations and the United States of America:

Desiring to extend to the temporary headquarters of the United Nations such of those provisions of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations signed at Lake Success June 26, 1947 as are appropriate, having regard for the needs of the United Nations at its temporary headquarters;

Have appointed as their representatives for this purpose:

The United Nations:

Trygve Lie, Secretary-General;

and

The United States of America:

Warren R. Austin, United States Representative to the United Nations,

¹ Came into force on 18 December 1947.
Who, being duly authorized, have agreed as follows:

**Article I**

This agreement shall be called the Interim Headquarters Agreement.

As used in this agreement:

(a) The expression "temporary headquarters" means (1) the land and buildings occupied and used by the United Nations for its official activities at Lake Success, Long Island, New York, and at Flushing Meadow, New York, the precise limits of which are defined in the Annex to this agreement and (2) such other land and buildings occupied and used by the United Nations as may be defined from time to time by agreement between the United Nations and the United States of America after consultation with the appropriate state and local authorities.


**Article II**

The following provisions of the Headquarters Agreement, with the exception noted in Article III of this agreement and subject to the provisions of said article, having been found to be necessary and appropriate to enable the United Nations to carry on its functions at the temporary headquarters, shall have full force and effect with respect to the temporary headquarters of the United Nations and the expression "headquarters district" as used in the Sections of the Headquarters Agreement incorporated herein by reference shall be deemed to include the temporary headquarters of the United Nations until such time as the United Nations shall have ceased to use or occupy its temporary headquarters and this agreement shall be terminated:

Section 1 (except subsection a)
Section 4
Section 7
Section 8
Section 9
Section 10
Section 11
Section 12
Section 13
Section 14
Section 15
Section 16
Section 17
Section 19

**Article III**

The United Nations agrees, in view of the fact that the premises occupied by it as the temporary headquarters are under lease from persons not parties to this agreement, that passes will be provided by the Secretary-General to such persons or their duly authorized agents for the purposes of enabling
them to inspect, repair and maintain the said premises in accordance with the terms of the lease.

The United Nations further agrees that this Interim Agreement shall not affect any existing arrangements with respect to payment of taxes or payments in lieu of taxes on property under lease from persons not parties to this agreement or impair the power of any municipality to impose taxes on property so leased.

Article IV

It is understood that Sections 20, 21, 25, 26 and 27 of the Headquarters Agreement shall be applicable to the operation and construction of this agreement.

Article V

This agreement shall come into effect on the date of signature hereof. It shall continue in force until the United Nations shall have ceased to use or occupy the temporary headquarters.

In witness whereof the respective plenipotentiaries have signed this agreement.

Done in duplicate in the English language at Lake Success the eighteenth day of December 1947.

For the United Nations:

Trygve Lie
Secretary-General

For the Government of the United States of America:

Warren R. Austin
United States Representative to the United Nations

ANNEX

A. Description of Property at Lake Success Site

Beginning at the northwesterly corner of the property intended to be described herein, said point being where the easterly line of Lakeville Road intersects the southerly line of Marcus Avenue; thence running South 78° 10' 50" East and along the southerly line of Marcus Avenue 449.57 feet to the P. C. of a curve; thence continuing easterly and along the southerly line of Marcus Avenue and on a curve the radius of which is 1,757.85 feet a distance of 295.98 feet to the P. T. of said curve; thence running South 68° 32' East and still along the southerly line of Marcus Avenue 740.99 feet to the P. C. of another curve; thence continuing easterly and along the southerly line of Marcus Avenue and along a curve the radius of which is 1,340.11 feet a distance of 421.50 feet to the P. T. of said curve; thence running South 50° 30' 44" East and along the southerly line of Marcus Avenue 95.78 feet to the P. C. of another curve; thence continuing easterly and along the southerly line of Marcus Avenue and along a curve the radius of which is 755.14 feet a distance of 92.54 feet to the easterly line of the property intended to be described herein; thence running South 30° 41' 38" West 68.41 feet;
thence running North 59° 18' 22" West 30.25 feet to the fence line; thence running South 30° 41' 38" West and along said fence line 150.21 feet to a stake; thence running westerly and along said fence line a distance of 570 feet to a stake; thence running North 73° 55' 24" West 194.48 feet to a stake; thence running South 16° 04' 36" West 40.83 feet to a stake; thence running North 73° 55' 24" West 34.07 feet to a stake; thence South 16° 04' 36" West and along the fence 34.21 feet to a chisel on the face of the north wall of the building; thence North 73° 55' 24" West and along the face of the north wall of the building 3.75 feet; thence South 16° 04' 36" West through the masonry wall 40.79 feet; thence North 73° 55' 24" West and through the masonry wall 1.95 feet; thence South 16° 04' 36" West and through the masonry wall 500.33 feet; thence North 73° 55' 24" West and through the masonry wall 23.83 feet; thence South 16° 04' 36" West and through the masonry wall 92.25 feet; thence North 73° 55' 24" West and through the masonry wall 5.72 feet; thence South 16° 04' 36" West and through the masonry wall 8.21 feet to the face of the south wall of the building; thence South 73° 55' 24" East and along the face of the south wall of the building 0.70 feet to a fence; thence South 16° 04' 36" West and along said fence 34.11 feet; thence North 73° 55' 24" West and still along said fence line 226.26 feet; thence South 17° 34' 06" West and still along said fence line 30.71 feet; thence North 73° 55' 24" West, still along the fence line 183.10 feet to the beginning of a curve; thence running in a southwesterly direction and along said curve the radius of which is 20 feet a distance of 31.42 feet to the P. T. of said curve; thence South 16° 04' 36" West, still along said fence line, 236.50 feet; thence South 16° 04' 36" East still along said fence line 455.80 feet; thence South 16° 04' 36" West and still along said fence line 69.40 feet; thence in a southwesterly direction and along said fence 750 feet to the northerly line of property belonging to the Manhasset-Lakeville Water District; thence running North 41° 05' 56" West and along the northerly line of land of the Manhasset-Lakeville Water District 50 feet to the northerly corner of said Water District property; thence running South 48° 54' 04" West and along the westerly line of property of the Manhasset-Lakeville Water District 128.05 feet to the northerly line of Lakeville Road; thence running in a northwesterly direction and along the northerly and easterly line of Lakeville Road on a curve the radius of which is 920.37 feet a distance of 292.73 feet to the P. T. of said curve; thence running North 19° 08' 16" West and along the northeasterly line of Lakeville Road 106.45 feet to the P. C. of another curve; thence running in a northerly direction and along the easterly line of Lakeville Road on a curve the radius of which is 920.37 feet a distance of 352.77 feet to the P. T. of said curve; thence running North 2° 49' 24" East and along the easterly line of Lakeville Road 787.19 feet; thence running North 7° 36' 24" East and still along the easterly line of Lakeville Road 189.80 feet to the beginning of a curve; thence running in a northerly direction and along the easterly line of Lakeville Road and on a curve the radius of which is 681.78 feet a distance of 321.93 feet to the P. T. of said curve; thence running North 34° 39' 39" East and along the easterly line of Lakeville Road 182.74 feet to the southerly line of Marcus Avenue at the point or place of beginning; containing within said bounds 56.167 acres.

Including the area comprising the compressor room and the entrance thereto which is situated on the first floor and east of the easterly line described in the proposed lease between the Reconstruction Finance Corporation
and the United Nations, which compressor room area is more particularly
bounded and described as follows:

Beginning at a point on the face of the north wall of the building, which
point is distant 12.75 feet easterly from the chisel mark on the building and
the fence line as shown on the section of the diagram attached hereto and
which is a part of the above-mentioned proposed lease; thence running
South 73° 55' 24" East and along the face of the north wall of the building
21.95 feet; thence South 16° 04' 36" West and along the east wall of the
compressor room 46.79 feet; thence North 73° 55' 24" West 2.40 feet;
thence South 16° 04' 36" West 6.67 feet; thence North 73° 55' 24" West
38.00 feet; thence North 16° 04' 36" East 6.67 feet; thence South 73° 55' 24"
East 14.35 feet; thence North 16° 04' 36" East 36.39 feet; thence South 73°
55' 24" East 4.10 feet; thence North 16° 04' 36" East 10.40 feet to the point
or place of beginning.

The foregoing description of the property has been taken from the pro-
posed lease between the Reconstruction Finance Corporation and the
United Nations. The said description is subject to such modification as may
be contained in the lease as executed between the Reconstruction Finance
Corporation and the United Nations.

B. DESCRIPTION OF PROPERTY AT FLUSHING ASSEMBLY HALL SITE

Beginning at a point located 1,470 feet northerly from the intersection of
the center lines of Grand Central Parkway and Horace Harding Boulevard
in the Borough of Queens, City of New York, 95 feet easterly of the center
line of Grand Central Parkway said point being the existing chain link fence
along the westerly curb line of the Intramural Drive in Flushing Meadow
Park; thence northerly along the chain link fence on the westerly side of the
Intramural Drive for 1,370 feet to a point 55 feet south of the center line of
the first pedestrian overpass across Grand Central Parkway south of the Long
Island Railroad, northside Division; thence easterly along the chain link
fence 840 feet to the northeast corner of the property; thence southerly
1,570 feet along the chain link fence on the westerly side of the pedestrian
walk to the southeast corner of the property; thence westerly 805 feet along
the chain link fence on the northerly side of the pedestrian walk to the point
or place of beginning, it being the intention to include all the property
within the chain link fence enclosing the Assembly Hall of United Nations
Site, formerly the New York City Building and adjacent area.

This description was obtained by the United Nations from the Parks
Department of the City of New York.

6. Agreement 1 between the Government of Chile and the United
Nations Economic Commission for Latin America regulating
Conditions for the Operation in Chile of the Headquarters of the
Commission. Signed at Santiago, on 16 February 1953. 2

The Government of Chile and the United Nations Economic Commission
for Latin America, desiring to conclude an agreement regulating conditions

1 Came into force on 23 September 1954, upon ratification by the Govern-
ment of Chile, in accordance with section 22 (a). Official text: Spanish; trans-
lation by the Secretariat of the United Nations.

for the operation, in Chile, of the Headquarters of the Commission, established under United Nations Economic and Social Council resolution 106 (VI) of 25 February 1948, have agreed as follows:

Article I. Definitions

Section 1. In this Agreement:

(a) The expression “the Government” means the Government of the Republic of Chile;
(b) The expression “ECLA” means the United Nations Commission for Latin America;
(c) The expression “appropriate Chilean authorities” means the national or other authorities of the Republic of Chile, in accordance with Chilean law;
(d) The expression “Executive Secretary” means the Executive Secretary of the United Nations Economic Commission for Latin America;
(e) The expression “laws of the Republic of Chile” includes legislative acts, decrees, regulations and orders, issued by the Government or the appropriate Chilean authorities;
(f) The expression “Headquarters of ECLA” means the premises occupied by ECLA;
(g) The expression “archives of ECLA” means the records, correspondence, documents, manuscripts, photographs, cinematograph films and sound recordings, belonging to or held by ECLA;
(h) The expression “official of ECLA” means any member of the staff of ECLA, who is employed by the United Nations;
(i) The expression “property” as used in articles IV and V means all property, including funds and assets belonging to ECLA or held or administered by ECLA in furtherance of its constitutional functions, and in general all income of ECLA.

Article II. Immunity from Legal Process

Section 2. The Government recognizes the immunity from legal process of the Headquarters of ECLA, which shall be under the authority and administration of ECLA, as provided in this Agreement.

Section 3. (a) The Headquarters of ECLA shall be inviolable.
(b) Without prejudice to the provisions of article VII, ECLA undertakes not to permit the Headquarters of ECLA to be used as a refuge by persons who are avoiding arrest under any law of the Republic of Chile, or who are required by the Government, or who are endeavouring to avoid service of legal process or a judicial proceeding.

Article III. Communications

Section 4. ECLA shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other Government or organization, including foreign diplomatic missions in Chile.
Section 5. ECLA shall be entitled, for its official purposes, to use the State Railways under the same conditions as may be granted to resident diplomatic missions.

Section 6. No censorship shall be applied to the correspondence and other communications of ECLA. This immunity shall extend, without limitation by reason of this enumeration, to printed matter, still and moving pictures, films and sound recordings. ECLA shall have the right to use codes and to dispatch and receive its correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags. Nothing in this section may be construed to preclude the adoption of appropriate security measures to be determined by agreement between the Government and ECLA.

Article IV. ECLA Property and Taxation

Section 7. ECLA and its property, wherever situated and by whomsoever held, shall enjoy immunity from legal process, except in so far as in any particular case ECLA shall have expressly waived such immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 8. The Headquarters of ECLA shall be inviolable. The property and assets of ECLA, wherever situated and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 9. The archives of ECLA, and in general all documents belonging to it or held by it, shall be inviolable.

Section 10. The assets, income and other property of ECLA shall be exempt:
(a) From all direct taxes; it is understood, however, that ECLA will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
(b) From customs duties and prohibitions and restrictions on imports in respect of articles imported or exported by ECLA for its official use; it is understood, however, that articles imported under such exemption will not be sold within the country, except under conditions to be agreed later between the Government and ECLA;
(c) From customs duties and prohibitions and restrictions in respect of the import and export of its publications.

Article V. Financial and Exchange Facilities

Section 11. (a) ECLA shall not be subject to any financial controls, regulations or moratoria and may freely:
(i) Acquire negotiable currencies from authorized commercial agencies, hold them and make use of them; operate foreign currency accounts; acquire through authorized agencies, hold and use funds, securities and gold.
(ii) Transfer funds, securities, foreign currencies and gold to or from the Republic of Chile, to or from any other country, or within the Republic of Chile.
(b) ECLA shall, in exercising its rights under this section, pay due regard to any representations made by the Government and shall give effect to such representations so far as this is possible without detriment to the interests of ECLA.

Article VI. Transit and Residence

Section 12. (a) The appropriate Chilean authorities shall impose no impediment to transit to or from the Headquarters of ECLA of:

(i) Officials of ECLA and their families;
(ii) Persons, other than officials of ECLA, performing missions for ECLA, and their spouses;
(iii) Other persons invited to the Headquarters of ECLA on official business. The Executive Secretary shall communicate the names of such persons to the Government.

(b) This section shall not apply to general interruptions of transport and shall not impair the enforcement of the laws in force.

(c) Visas which may be necessary for persons referred to in this section shall be granted without charge.

(d) This section shall not obviate the requirement of evidence to establish that persons claiming the rights granted under this section are included in the categories described in paragraph (a), or the reasonable application of quarantine and health regulations.

Article VII. Officials of ECLA

Section 13. Officials of ECLA shall enjoy within the territory of the Republic of Chile, the following privileges and immunities:

(a) Immunity from personal arrest or detention;
(b) Immunity from seizure of their personal and official baggage;
(c) Immunity from legal process of any kind in respect of words spoken or written or any act performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of ECLA;
(d) Exemption from any form of direct taxation on salaries, emoluments, and allowances paid by the United Nations;
(e) Exemption for officials of other than Chilean nationality, from any direct taxation on income derived from sources outside the Republic of Chile;
(f) Exemption, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
(g) Freedom for officials of other than Chilean nationality, to maintain within the territory of the Republic of Chile or elsewhere, foreign securities, foreign currency accounts and movable and immovable property, and on termination of their employment by ECLA, the right to take their funds out of Chile, without any restrictions or limitations, in the currencies and in the amounts brought by them into Chile through authorized channels;
(h) The same repatriation facilities, for themselves, their families and dependants, and the same right to protection by the Chilean authorities in time of international crisis as members of diplomatic missions;
(i) The right to import, free of customs duties and other levies, prohibitions and restrictions on import, their furniture and effects, including one
motor vehicle each, on first taking up their posts in Chile. The general regulations in force for the resident diplomatic corps shall apply to the transfer of each motor vehicle.

Section 14. All officials of ECLA shall be provided with a special identity card certifying that they are officials of ECLA enjoying the privileges and immunities set forth in this Agreement.

Section 15. The Government shall accord to the Executive Secretary and other permanent senior officials of ECLA, recognized as such by the Ministry of Foreign Affairs, to the extent permitted under its constitutional precepts, the diplomatic immunities and privileges specified in Article 105, paragraph 2, of the United Nations Charter.

For this purpose, the said officials of ECLA shall be incorporated by the Ministry of Foreign Affairs into the appropriate diplomatic categories and shall enjoy the customs exemptions provided in section 1901 of the Customs Tariff.

Section 16. (a) The privileges and immunities accorded under the provisions of this Agreement are granted in the interests of ECLA and not for the personal benefit of the individuals concerned. The Executive Secretary shall waive the immunity of any official in any case where, in his opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of ECLA.

(b) ECLA and its officials shall co-operate at all times with the Chilean authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in the exercise of the privileges and immunities conferred by this Agreement.

Article VIII. Persons who are not officials of ECLA

Section 17. Persons who, without being officials of ECLA, are members of ECLA missions or are invited by ECLA to its Headquarters for official purposes, shall enjoy the privileges and immunities specified in article VII, section 13, with the exception of the right provided in sub-paragraph (i) of that section, always provided that such persons are not of Chilean nationality.

Article IX. Laissez-passer

Section 18. The Government shall recognize and accept as a valid travel document equivalent to a passport the United Nations laissez-passer issued by the United Nations to officials of ECLA.

Article X. General provisions

Section 19. (a) The Executive Secretary shall take every precaution to prevent any abuse in the exercise of the privileges and immunities conferred by this Agreement and to this end shall establish such regulations as he may deem necessary and expedient, for officials of ECLA and persons who are members of ECLA missions.

(b) Should the Government consider that an abuse has occurred in the exercise of the privileges and immunities conferred by this Agreement, the Executive Secretary shall, upon the request of the Government, consult with the appropriate Chilean authorities to determine whether such an abuse has occurred. If such consultations fail to achieve a result satisfactory to the
Executive Secretary and the Government, the matter shall be settled in accordance with the procedure set out in article XI.

Article XI. Supplementary agreements and settlement of disputes

Section 20. (a) The Government and ECLA may enter into such supplementary agreements as may be necessary within the scope of this Agreement.

(b) The Convention on the Privileges and Immunities of the United Nations and this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary.

Section 21. Any dispute between the Government and ECLA concerning the interpretation or application of this Agreement or any supplementary agreement, or any question affecting the Headquarters of ECLA or relations between ECLA and the Government, shall be resolved in accordance with the procedure indicated in article VIII, section 30, of the Convention on the Privileges and Immunities of the United Nations.

Article XII

Section 22. (a) This Agreement shall enter into force immediately after its ratification by the Government of Chile, without prejudice to the fact that the President of the Republic may provisionally put into force those of its provisions in respect of which he is granted special powers under Act No. 5142.

(b) Consultations with respect to the modification of this Agreement may be entered into at the request of the Government or of ECLA. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose, that is to enable ECLA fully and efficiently to discharge its responsibilities and fulfil its purposes.

(d) Wherever this Agreement imposes obligations on the appropriate Chilean authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(e) This Agreement and any supplementary agreement entered into between the Government and ECLA within the scope of its provisions shall cease to be in force six months after either of the Contracting Parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to the normal cessation of the activities of ECLA in Chile and the disposal of its property in Chile.

IN WITNESS WHEREOF

The Government and ECLA have signed this Agreement on 16 February 1953, in duplicate, in the Spanish language.

For the Government of Chile (Signed) Arturo Olavarría Bravo
Minister of Foreign Affairs

For the United Nations Economic Commission for Latin America (ECLA) (Signed) Raúl Prebisch
Executive Secretary
EXCHANGE OF NOTES

I

ECLA/60

23 December 1953

Your Excellency,

I have the honour to refer to the Agreement between the Government of the Republic of Chile and the United Nations Economic Commission for Latin America (ECLA) regulating conditions for the operation in Chile of the Headquarters of the Commission signed at Santiago on 16 February of this year.

As a result of the conversations held with your Ministry regarding the scope of certain provisions of the Agreement, I have the honour to inform you that the Commission interprets the expression "officials of ECLA", defined under letter (h) of article I, section 1, as referring only to chiefs and other senior members of the regular international staff of ECLA.

This interpretation applies to all provisions in which the Agreement makes reference to officials of ECLA, and particularly to the cases referred to in article VII, sections 13, 14 and 15, of the Agreement.

It is understood that this interpretation is without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations ratified by Chile on 15 October 1948.1

If your Government is in agreement with this proposal, the United Nations Economic Commission for Latin America will consider this Note and your reply thereto as an agreement supplementing and clarifying the Agreement signed on 16 February 1953, to enter into force on the date of your reply.

I have the honour to be, etc.

(Signed) Raúl Prebisch

His Excellency Guillermo del Pedregal
Minister of Foreign Affairs, Santiago, Chile

II

REPUBLIC OF CHILE

Ministry of Foreign Affairs

Sir,

Santiago, 29 December 1953

I have the honour to acknowledge receipt of your Note ECLA/60 of 23 December 1953 in the following terms:

[See Note I]

In reply, I have the honour to inform you that my Government accepts the proposal made in your Note ECLA/60 and, as indicated therein, your Note and this reply shall be considered as constituting an agreement supplementing and clarifying the Agreement signed on 16 February 1953 between the Government of Chile and the United Nations Economic Commission for Latin America (ECLA), which shall enter into force on this day, without prejudice to the fact that it will be requested that the legislative approval sought for the Agreement of 16 February 1953 should also cover this supplementary and explanatory agreement.

I have the honour to be, etc.

(Signed) Guillermo del Pedregal

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In view of the desire of the United Nations to establish the office of the Economic Commission for Asia and the Far East in Bangkok, Thailand, and in order to facilitate the effective discharge of its functions, the Government of the Kingdom of Thailand and the United Nations have agreed as follows:

**Article I. Definitions**

Section 1. In this Agreement:

(a) The expression “the ECAFE” means the United Nations Economic Commission for Asia and the Far East including its secretariat;

(b) The expression “the Government” means the Government of Thailand;

(c) The expression “Executive Secretary” means the Executive Secretary of the United Nations Economic Commission for Asia and the Far East or his authorized representative;

(d) The expression “appropriate Thai authorities” means the officials of the Thailand Foreign Office, except where otherwise expressly indicated;

(e) The expression “laws of Thailand” includes legislative acts, and decrees, regulations or orders, issued by or under authority of the Government or appropriate Thai authorities;

(f) The expression “working site” means the area occupied by the United Nations Economic Commission for Asia and the Far East as defined in the Annex\(^3\) to this Agreement, including any buildings which are constructed or which may be constructed therein;

(g) The expression “archives of the ECAFE” means the records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings, belonging to or held by the ECAFE;

(h) The expression “Officials of the ECAFE” means all staff members of the United Nations Secretariat, other than manual workers locally recruited, who are at any time working with the ECAFE, and whose names are communicated from time to time to the appropriate Thai authorities;

(i) The expression “property” as used in this Agreement means all property including funds and assets, belonging to the ECAFE or held or administered by the ECAFE in furtherance of its constitutional functions, and all income of the ECAFE;

(j) The expression “General Convention” means the Convention on the Privileges and Immunities of the United Nations as adopted by the General Assembly of the United Nations on 13 February 1946 when acceded to by the Government;

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\(^1\) Came into force on 6 February 1957, the date of its ratification by the Government of Thailand, in accordance with article XIV (a).


\(^3\) See insert in a pocket at the end of Vol. 260 of the United Nations *Treaty Series*. 
(k) The expression "representatives of governments" shall be deemed to apply to delegates, deputy delegates, advisers, technical experts and secretaries of delegations, and to include the family of resident representatives.

Article II. Juridical Personality and Capacity

Section 2. The United Nations acting through the ECAFE shall have the capacity:
(a) To contract;
(b) To acquire and dispose of immovable and movable property;
(c) To institute legal proceedings.

Article III. Control of Working Site

Section 3. The working site shall be inviolable, and shall be under the control and authority of the ECAFE, as provided in this Agreement.

Section 4. (a) Officers or officials of the Government, whether administrative, judicial, military or police shall not enter the working site to perform any official duties therein except with the consent of and under conditions agreed to by the Executive Secretary;
(b) Without prejudice to the provisions of Article VIII, the ECAFE shall prevent the working site 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 a judicial proceeding;
(c) The archives of the ECAFE and in general all documents belonging to, or held by the ECAFE, shall be inviolable.

Section 5. (a) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquility of the working site is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity, and shall cause to be provided on the boundaries of the working site such police protection as is required for these purposes;
(b) If so requested by the Executive Secretary, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of law and order in the working site, and for the removal therefrom of persons as requested under the authority of the ECAFE.

Article IV. Property, Funds and Assets

Section 6. The United Nations shall in respect of the ECAFE and its property, wherever located and by whomsoever held, enjoy immunity from every form of legal process except in so far as in any particular case the United Nations shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 7. The working site and the property of the ECAFE wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.
Section 8. The assets, income and other property of the United Nations shall be exempt:

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

(b) From customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by the ECAFE for its official use, on the understanding that articles imported under such immunity shall not be sold within the country except in accordance with conditions to be mutually agreed upon;

(c) From customs duties and prohibitions and restrictions in respect of the import and export of its publications.

Section 9. The United Nations shall be exempt from excise duties, sales, and luxury taxes and all other indirect taxes when it is making important purchases for official use by the ECAFE of property on which such duties or taxes are normally chargeable. However, the ECAFE will not, as a general rule, claim exemption from excise duties, and from taxes on the sale of movable and immovable property which form part of the price to be paid, and cannot be identified separately from the sales price.

Section 10. (a) Without any financial controls, regulations or moratoria of any kind,

(i) the ECAFE may hold funds, gold or currency of any kind and operate foreign currency accounts in any currency;

(ii) the ECAFE shall be free to transfer its funds, securities, gold or currency from one country to another or within Thailand and to convert any currency held by it into any other currency;

(b) The ECAFE shall, in exercising its rights under this section 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 ECAFE.

Article V. Communications

Section 11. The ECAFE shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other government or organization, including foreign diplomatic missions in Thailand.

Section 12. The ECAFE shall be entitled, for its official purposes, to use the transport facilities of the Government under the same conditions as may be granted to resident diplomatic missions.

Section 13. (a) No censorship shall be applied to the official correspondence nor other communications of the ECAFE. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, films, and sound recordings;

(b) The ECAFE shall have the right to use codes and to dispatch and receive official correspondence and without limitation by reason of this enumeration, publications, documents, still and moving pictures, films, and sound recordings, either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.
Section 14. (a) The United Nations is authorized to operate at the working site one point-to-point telecommunications circuit in a generally easterly direction and one point-to-point circuit in a generally westerly direction between the working site and other United Nations radio stations;

(b) Subject to the necessary authorization from the General Assembly, the United Nations may also establish and operate at the working site:

(i) its own short-wave sending and receiving radio broadcasting facilities (including emergency link equipment) which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable Thai regulations) for radiotelegraph, radiotelephone, and similar services;

(ii) such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate Thai authorities;

(c) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government and the appropriate agencies of other affected governments with regard to all frequencies and similar matters;

(d) The facilities provided for in this Section may, to the extent necessary for efficient operation, be established and operated outside the working site with the consent of the Government.

Article VI. Representatives of Governments

Section 15. Representatives of Governments participating in the work of the ECAFE, or in any conferences which may be convened by the United Nations 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 it accords to members of diplomatic missions of comparable rank.

Article VII. Access and Residence

Section 16. (a) The appropriate Thai authorities shall impose no impediment to transit to or from the working site of the following persons:

(i) representatives of governments participating in the work of the ECAFE;

(ii) officials of the ECAFE, their families and other members of their households;

(iii) persons, other than officials of the ECAFE, performing missions for the United Nations, in relation with the ECAFE, and their families;

(iv) other persons invited to the working site on official business; the Executive Secretary shall communicate the names of such persons to the Government;

(v) representatives of the press, or of radio, film or other information agencies, who have been accredited by the ECAFE after consultation with the Government;

(b) This Section shall not apply to general interruptions of transport and shall not impair the effectiveness of generally applicable laws relating to transportation;
(c) Visas which may be necessary for persons referred to in this Section shall be granted promptly and without charge;

(d) This section shall not obviate the requirement of reasonable evidence to establish that persons claiming the rights granted under this Section are included in the categories described in paragraph (a), or the reasonable application of quarantine and health regulations;

(e) Laws and regulations in force in Thailand regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in this Section, and, specifically shall not be applied in such manner as to require any persons to leave Thailand on account of any activities performed by them in their official capacity.

Article VIII. Officials of the ECAFE

Section 17. Officials of the ECAFE shall enjoy within and with respect to the territory of Thailand the following privileges and immunities:

(a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) Exemption from taxation on the salaries and emoluments paid to them by the United Nations; and

(c) Immunity, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(d) The same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government;

(e) The same repatriation facilities in time of international crisis, together with their spouses and relatives dependent on them, as diplomatic envoys;

(f) Immunity from personal arrest or detention;

(g) Immunity from seizure of their personal and official baggage;

(h) Exemption for officials of other than Thai nationality, from any form of direct taxation on income derived from sources outside Thailand, and the freedom to maintain within Thailand, or elsewhere, foreign securities, and other movable and immovable property, and whilst employed by the United Nations in Thailand, and at the time of termination of such employment, the right to take out of Thailand funds in United States dollars or other convertible currencies without any restrictions or limitations, provided that the said officials can show good cause for their lawful possession of such funds;

(i) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects within six months after first taking up their post in Thailand; the same regulations shall apply in the case of importation, transfer and replacement of automobiles as are in force for the resident members of diplomatic missions of comparable rank.

Section 18. All officials of the ECAFE shall be provided with a special identity card certifying the fact that they are officials of the ECAFE enjoying the privileges and immunities specified in this Agreement.

Section 19. (a) The Government shall accord to the Executive Secretary and Deputy Executive Secretary of the ECAFE, to the extent permitted
under its constitutional precepts, the privileges and immunities indicated in paragraph 2 of Article 105 of the United Nations Charter.

(b) For this purpose the Executive Secretary and the Deputy Executive Secretary shall be incorporated by the Ministry of Foreign Affairs into the appropriate diplomatic categories and shall enjoy the customs exemptions granted to such diplomatic categories in Thailand.

Section 20. (a) The privileges and immunities accorded by this Article are granted in the interests of the ECAFE and not for the personal benefit of the individuals themselves. The Secretary-General of the United Nations shall waive the immunity of any official including those referred to in Section 19, in any case where, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the ECAFE;

(b) The Executive Secretary shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall establish such rules and regulations as he may deem necessary and expedient, for officials of the ECAFE and persons performing missions for, or serving on missions of, the ECAFE;

(c) The ECAFE 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 abuses in connection with the privileges and immunities conferred by this Agreement. Should the Government consider that an abuse has occurred, the Executive Secretary shall upon request consult with the appropriate Thai authorities. If such consultations fail to achieve a result satisfactory to both parties, the matter shall be determined in accordance with the procedure set out in Article XIII.

Article IX. Persons who are not officials of the ECAFE

Section 21. Those persons who, without being officials of the ECAFE, are performing missions for the United Nations in relation with the ECAFE in Thailand, shall enjoy the privileges and immunities specified in Section 17 of Article VIII.

Article X. Laissez-passer

Section 22. The Government shall recognize and accept the United Nations laissez-passer issued to officials of the ECAFE as a valid travel document equivalent to a passport. Applications for visas from holders of United Nations laissez-passer shall be dealt with as speedily as possible. In addition such persons shall be granted facilities for speedy travel.

Section 23. Similar facilities to those specified in Section 22 shall be accorded to persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations in relation with the ECAFE.

Article XI. Public Services and Division of Responsibilities Concerning Installation and Maintenance of Working Site

Section 24. (a) The appropriate Thai authorities will exercise to the extent requested by the Executive Secretary the powers which they possess
with respect to the supplying of public services to ensure that the working site shall be supplied on equitable terms with the necessary public services, including electricity, water, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, et cetera. In case of any interruption or threatened interruption of any such services, the appropriate Thai authorities will consider the needs of the ECAFE as being of equal importance with the similar needs of essential agencies of the Government, and will take steps accordingly to ensure that the work of the ECAFE is not prejudiced;

(b) The Government will be responsible for all charges arising out of the installation, maintenance and repairs in the working site of all public utility services including, but without limitation by reason of this enumeration, the following: telephone equipment, wiring and electricity, water, fire prevention measures, and postal services;

(c) The ECAFE will be responsible with the assistance of the Government for all arrangements concerning the use of the conference hall in the working site for its own meetings. The Government will be similarly responsible for all arrangements concerning the use of the said hall for any other meetings. Consultations will be held between the ECAFE and the Government in order to arrive at a mutually agreeable use and schedule of use of the hall.

Article XII. Supplementary Agreements

Section 25. (a) The Government and the United Nations may enter into such supplementary agreements as may be necessary within the scope of this Agreement;

(b) The provisions of the General Convention and of this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary, so that the provisions of both shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

Article XIII. Settlement of Disputes

Section 26. All differences between the Government and the United Nations arising out of the interpretation or application of this Agreement or any supplementary agreements, or of any question affecting the working site or the relationship between the ECAFE and the Government, shall be resolved according to the procedure indicated in Section 30 of the General Convention.

Article XIV

Section 27. (a) This Agreement shall be signed and shall enter into force on the date of ratification by the Government;

(b) Consultations with respect to modifications of this Agreement shall be entered into at the request of the Government or of the United Nations. Any such modification shall be by mutual consent;

(c) This Agreement shall be interpreted in the light of its primary purpose to enable the ECAFE fully and efficiently to discharge its responsibilities and to fulfill its objectives;
(d) Wherever this Agreement imposes obligations on the appropriate Thai authorities, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government;

(e) This Agreement and any supplementary agreement entered into between the Government and the United Nations within the scope of its terms of reference, shall cease to be in force six months after either of the Contracting Parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to the normal cessation of the activities of the ECAFE in Thailand and the disposal of its property.

In witness whereof:

The respective representatives have signed this Agreement in duplicate in the English language on the 26th of May 1954.

For the Government of Thailand:
Wan Waithayakon
Krommûn Naradhip Bongsprabandh

For the United Nations:
Dag Hammarskjold

LETTER FROM THE MINISTER OF FOREIGN AFFAIRS OF THAILAND TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

Delegation of Thailand
26th May, 1954

Sir,

With reference to the Agreement signed today between the United Nations and the Government of Thailand relating to the working site of the Economic Commission for Asia and the Far East, I have the honour to confirm the agreement reached between us as follows:

1. With respect to the Annex referred to in Section 1 (f) of the Agreement which defines the expression “working site”, it is understood that the Plan, two copies of which were initialled by the negotiators at the meeting held in February in Bangkok, represent the Annex for the present purposes.

2. With regard to the question of immunity from national service obligations and the question of the schools, as these were matters left for further discussion by the representatives at the meetings in Bangkok in February, it is understood that the practice hitherto followed will be continued pending agreement.

3. With regard to the supply of information on foreign currency accounts, the secretariat of ECAFE is prepared, as a matter of courtesy, to supply the Government of Thailand with information on its foreign currency accounts for statistical purposes, it being understood that the ECAFE will not receive a less favourable treatment than the Foreign Embassies stationed in Bangkok.

Accept, Sir, the assurances of my highest consideration.

Wan Waithayakon
Krommûn Naradhip Bongsprabandh
Minister of Foreign Affairs of Thailand

The Secretary-General of the United Nations
Palais des Nations
Geneva
The United Nations and Ethiopia, desiring to conclude an agreement for the purpose of regulating questions arising as a result of the decision of the Economic and Social Council adopted at its 25th Session to establish the Headquarters of the United Nations Economic Commission for Africa at Addis Ababa, have agreed as follows:

**Article I. Definitions**

Section 1. In this Agreement:

(a) The expression "the ECA" means the United Nations Economic Commission for Africa including its secretariat;

(b) The expression "the Government" means the Government of Ethiopia;

(c) The expression "Executive Secretary" means the Executive Secretary of the United Nations Economic Commission for Africa or his authorized representative;

(d) The expression "appropriate Ethiopian authorities" means such national, local or other authorities in Ethiopia as may be appropriate in accordance with the laws of Ethiopia;

(e) The expression "laws of Ethiopia" includes legislative acts, decrees, regulations or orders issued by or under the authority of the Government or appropriate Ethiopian authorities;

(f) The expression "Headquarters" means the buildings and structures or portions thereof which at any given moment are in fact occupied by the United Nations Economic Commission for Africa;

(g) The expression "officials of the ECA" means all members of the staff of the United Nations Economic Commission for Africa, irrespective of nationality, with the exception of those who are recruited locally and are assigned to hourly rates;

(h) The expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations as adopted by the General Assembly of the United Nations of 13 February 1946 and acceded to by Ethiopia on 22 July 1947;

(i) The expression "representatives of Governments" shall be deemed to include representatives, deputy representatives, advisors, technical experts and secretaries of delegations.

**Article II. Control and Protection of Headquarters**

Section 2. The Headquarters shall be inviolable and shall be under the control and authority of the ECA as provided in this Agreement.

Section 3. (a) Officers or officials of Ethiopia, whether administrative, judicial, military or police, shall not enter the Headquarters to perform any

1 Came into force on 15 December 1958, the date of its ratification by the Government of Ethiopia, in accordance with section 24.

2 United Nations, Treaty Series, Registration No. 4597.
official duties therein except with the consent of and under conditions agreed
to by the Executive Secretary.

(b) Without prejudice to the provisions of the General Convention or of
this Agreement, the ECA shall prevent the Headquarters from becoming a
refuge for persons who are avoiding arrest under any law of Ethiopia, or
who are required by the Government for extradition to another country or
who are endeavoring to avoid service of legal process.

Section 4. (a) The appropriate Ethiopian authorities shall exercise due
diligence to ensure that the tranquility of the Headquarters is not disturbed
by the unauthorized entry of groups of persons from outside or by disturbance
in its immediate vicinity, and shall cause to provide on the boundaries of
the Headquarters such police protection as is required for these purposes.

(b) If so requested by the Executive Secretary, the appropriate Ethiopian
authorities shall provide a sufficient number of police for the preservation
of law and order in the Headquarters, and for the removal therefrom of
persons as requested under the authority of the Executive Secretary.

Article III. Communication and Transport

Section 5. The ECA shall enjoy for its official communications treatment
not less favourable than that accorded by the Government to any other
government or to any other international organization, including foreign
diplomatic missions in Ethiopia.

Section 6. (a) No censorship shall be applied to the official correspon-
dence or other communications of the ECA. Such immunity shall extend,
without limitation by reason of this enumeration, to publications, documents,
still and moving pictures, films and sound recordings;

(b) The ECA shall have the right to use codes and to dispatch and receive
official correspondence and, without limitation by reason of this enumeration,
publications, documents, still and moving pictures, films and sound record-
ings, either by courier or in sealed bags which shall have the same immuni-
ties and privileges as diplomatic couriers and bags.

Section 7. (a) The ECA shall have the authority to install and operate
at the Headquarters for its exclusive official use a radio sending and receiving
station or stations to exchange traffic with the United Nations radio net-
work, subject to the provisions of Article 45 of the International Tele-
communications Convention relating to harmful interference. The frequen-
cies on which any such station may be operated will be agreed between the
ECA and the Imperial Telecommunications Board of Ethiopia and will be
duly communicated by the ECA to the International Frequency Registration
Board.

Section 8. (a) The ECA shall be entitled, for its official purposes, to use
transportation operated by the Government at the same rates and treatment
as may be granted to resident diplomatic missions.

(b) Aircraft operated by or for the United Nations shall be exempt from
all charges, except those for actual service rendered, and from fees or taxes
incidental to the landing at, parking on or taking off from any aerodrome in
Ethiopia. Except as limited by the preceding sentence, nothing herein shall
be construed as exempting such aircraft from full compliance with all
applicable rules and regulations governing the operation of flights into,
within, and out of the territory of the Empire of Ethiopia.
Article IV. Access and Residence

Section 9. (a) The competent Ethiopian authorities shall not impede the transit to or from the Headquarters of the following persons:

(i) officials of the ECA, and their families;
(ii) persons, other than officials of the ECA, performing missions for the ECA, and their spouses;
(iii) other persons invited to the Headquarters on official business;

the Executive Secretary shall communicate the names of such persons to the Government.

(b) This section shall not apply to general interruptions of transport and shall not impede the enforcement of the law;

(c) Visas for persons referred to in this section, where required, shall be granted free of charge;

(d) This section shall not imply exemption from the obligation to produce reasonable evidence to establish that persons claiming the rights granted under this section are included in the categories specified in paragraph (a) nor from the reasonable application of quarantine and health regulations.

Article V. Representatives of Governments

Section 10. (a) The representatives of governments, participating in the work of the ECA or in any conference which may be convened by the United Nations at the Headquarters, shall be entitled in the territory of Ethiopia, while exercising their functions and during their journey to and from the Headquarters, to the same privileges and immunities as are accorded to diplomatic envoys of comparable rank under international law.

(b) Resident representatives of Governments to the ECA shall be entitled in the territory of Ethiopia to the same privileges and immunities as the Government accords to diplomatic envoys accredited to Ethiopia.

Article VI. Officials of the ECA

Section 11. Officials of the ECA shall enjoy in the territory of Ethiopia the following privileges and immunities:

(a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the ECA;

(b) Immunity from personal arrest or detention;

(c) Immunity from seizure of their personal and official baggage;

(d) Exemption from taxation on the salaries and emoluments paid to them by the United Nations;

(e) Immunity from national service obligations;

(f) Immunity, together with members of their families and their personal employees, from immigration restrictions and alien registration;

(g) The same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government;
(h) The same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys;

(i) Exemption for officials, other than Ethiopian nationals and permanent foreign residents of Ethiopia, from any form of direct taxation on income derived from sources outside Ethiopia, and the freedom to maintain within Ethiopia, or elsewhere, foreign securities, and other moveable and immoveable property, and whilst employed by the United Nations in Ethiopia, and at the time of termination of such employment, the right to take out of Ethiopia, funds in non-Ethiopian currencies without any restrictions or limitations, provided that the said officials can show good cause for their lawful possession of such funds;

(j) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects within twelve months after first taking up their post in Ethiopia; the same regulations shall apply for other than Ethiopian nationals and permanent foreign residents of Ethiopia in the case of importation, transfer and replacement of automobiles, as are in force for the resident members of diplomatic missions of comparable rank.

Section 12. All officials of the ECA shall be provided with a special identity card certifying the fact that they are officials of the ECA enjoying the privileges and immunities specified in this Agreement.

Section 13. (a) The Government shall accord to the Executive Secretary and to such of his immediate assistants as may be agreed between the ECA and the Ministry of Foreign Affairs of the Government the privileges and immunities indicated in paragraph 2 of Article 105 of the United Nations Charter.

(b) For this purpose the Executive Secretary and the immediate assistants referred to in subparagraph (a) above shall be incorporated by the Ministry of Foreign Affairs into the appropriate diplomatic categories and shall enjoy the customs exemptions granted to such diplomatic categories in Ethiopia.

Section 14. The privileges and immunities accorded by this article are granted in the interests of the ECA and not for the personal benefit of the individuals themselves. The Secretary-General of the United Nations shall waive the immunity of any official in any case where, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the ECA.

Section 15. The ECA shall co-operate at all times with the appropriate authorities of Ethiopia 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, immunities and facilities mentioned in this article.

Article VII. Public Services and Utilities

Section 16. The appropriate Ethiopian authorities will exercise to the extent requested by the Executive Secretary the powers which they possess with respect to the supplying of public services to ensure that the Headquarters shall be supplied on equitable terms with the necessary public services, including electricity, water, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, et cetera. In case of any
interruption or threatened interruption of any such services, the appropriate Ethiopian authorities will consider the needs of the ECA as being of equal importance with the similar needs of essential agencies of the Government, and will take steps accordingly to ensure that the work of the ECA is not prejudiced.

**Article VIII. Interpretation and Application**

**Section 17.** The provisions of the General Convention and of this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary, so that the provisions of both shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

**Section 18.** The Government and the United Nations may enter into such supplementary agreements as may be necessary to fulfill the purposes of this Agreement.

**Section 19.** Wherever this Agreement imposes obligations on the appropriate Ethiopian authorities, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government.

**Section 20.** This Agreement shall be interpreted in the light of its primary purpose to enable the ECA fully and efficiently to discharge its responsibilities and to fulfill its objectives.

**Article IX. Settlement of Disputes**

**Section 21.** (a) Any dispute between the United Nations and Ethiopia concerning the interpretation or application of this Agreement or of any supplementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Government of Ethiopia, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary General of the United Nations or Ethiopia may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both Parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

**Article X. Final Provisions**

**Section 22.** Consultations with respect to modifications of this Agreement shall be entered into at the request of the Government or of the United Nations, any such modifications shall be by mutual consent.

**Section 23.** This Agreement and any supplementary agreement entered into between the Government and the United Nations within the scope of its terms of reference shall cease to be in force six months after either of the Contracting Parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to the normal cessation of the activities of the ECA in Ethiopia and the disposal of its property.
Section 24. This Agreement shall be signed and shall enter into force on the date of ratification by the Government in accordance with its constitutional processes.

Done in the English language in duplicate at Addis Ababa, Ethiopia on June 18, 1958.

For the United Nations, on behalf of the Secretary-General of the United Nations: (Signed) Philippe de Seynes, Under Secretary-General for Economic and Social Affairs

For the Imperial Ethiopian Government: (Signed) Yilma Deressa, Minister for Foreign Affairs


A. LETTER FROM THE SECRETARY-GENERAL TO THE REPRESENTATIVE OF THE UNITED KINGDOM TO THE UNITED NATIONS ¹

12 January 1950

Sir,

I have the honour to inform you that Mr. Adrian Pelt, United Nations Commissioner in Libya, appointed by the General Assembly under the terms of its Resolution 289 (IV) of 21 November 1949 on the Question of the Disposal of the Former Italian Colonies, is leaving on 12 January 1950 for Libya where he is due to arrive in Tripoli on or about 18 January 1950. It is understood that the purpose of Mr. Pelt’s present visit to Libya is to make a preliminary survey of the situation there in so far as it relates to his functions. He is therefore bringing with him only a few assistants but expects to establish his Headquarters with a full staff by March of this year.

I am confident that, in the exercise on behalf of the United Nations of the functions entrusted to him in virtue of the aforesaid resolution, the Commissioner will have the full co-operation of the Administering Powers in Libya and, in particular, will be accorded, in conformity with Article 105 of the Charter, all privileges and immunities necessary for the independent exercise of these functions.

It is noted that the Convention on the Privileges and Immunities of the United Nations does not appear to contain any express provision specifically applicable to an office such as that of the Commissioner in Libya. Nevertheless, it is my considered opinion that, in view of the high office which the Commissioner in Libya holds as an agent of this Organization and of the important functions entrusted to him, it would be necessary for the independent exercise of these functions that the Commissioner in Libya enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys and which are accorded to the Secretary-General and the Assistant Secretaries-General of the United Nations under Section 19 of the Convention on the Privileges and Immunities of the United Nations.

¹ A similar letter of the same date was written to the Permanent Representative of France to the United Nations.
I have the honour, therefore, to express to Your Excellency the hope that your Government will be good enough to agree to extend to Mr. Pelt the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law, and that the British Authorities in Libya be notified accordingly.

I have the honour to be,

Sir,

Your obedient Servant,

Trygve Lie
Secretary-General

B. LETTER TO SECRETARY-GENERAL FROM THE UNITED KINGDOM REPRESENTATIVE TO THE UNITED NATIONS

United Kingdom Delegation to the United Nations, New York
20th January, 1950

Sir,

I have the honour to inform you, in reply to your Excellency's letter No. LEG 240/01(2)/CS of 12th January, that His Majesty's Principal Secretary of State for Foreign Affairs has instructed the British Resident at Benghazi, and the Chief Administrator at Tripoli to extend to Mr. Pelt, the United Nations Commissioner for Libya, the privileges and immunities, exemptions and facilities which are normally accorded to diplomatic envoys.

I have the honour to be

Sir,

Your obedient Servant,

(Signed) Alexander Cadogan

His Excellency Monsieur Trygve Lie,
Secretary-General, United Nations,
Lake Success, L.I.

C. LETTER TO THE SECRETARY-GENERAL FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS

Délégation aux Nations Unies

New York, le 6 mars 1950.

Monsieur le Secrétaire général,

Vous avez bien voulu, à la date du 12 janvier dernier, appeler mon attention sur l'opportunité d'accorder à M. Pelt les privilèges et immunités nécessaires devant lui permettre d'exercer ses fonctions en toute liberté.

Le Gouvernement français, auquel je n'avais pas manqué de communiquer cette requête, m'a fait savoir qu'il a décidé d'accorder au Commissaire des Nations Unies en Libye le bénéfice de tous les privilèges, immunités et exemptions, et facilités accordées, conformément au droit international, aux envoyés diplomatiques et dont jouissent le Secrétaire général et les Secrétaires généraux adjoints, en vertu de la Section 19 de la Convention sur les privilèges et immunités des Nations Unies.
J’ajoute que les instructions nécessaires ont été envoyées aux autorités françaises intéressées.
Veuillez agréer, Monsieur le Secrétaire général, les assurances de ma très haute considération.

Jean Chauvel
Ambassadeur de France

M. Trygve Lie
Secrétaire général de l’Organisation des Nations Unies
Lake Success

10. Exchange of Letters concerning the Privileges and Immunities of the United Nations Commission for Indonesia, between the Prime Minister of Indonesia and the Principal Secretary of the Commission, 23 May 1950

23 May 1950

Sir,

I have the honour to acknowledge receipt of your letter dated 23 May 1950 reading as follows:

"I have the honour to inform you that, in view of clarifying the status of the representatives on the United Nations Commission for Indonesia and the personnel attached to the Commission, the Government of the Republic of the United States of Indonesia confirms that the three Representatives on the Commission and the personnel of their delegations, the Principal Secretary and the members of the Secretariat enjoy all privileges and immunities granted to the members of the Diplomatic Corps of similar rank accredited in Indonesia. It is understood, however, that these immunities and privileges will not apply to locally recruited personnel.

"I would appreciate it if you could kindly acknowledge receipt of the present letter; this exchange of letters would then constitute an agreement between the Republic of the United States of Indonesia and the United Nations Commission for Indonesia."

I am authorized by the Secretary-General of the United Nations to take note of this communication, which together with my present reply, constitutes an agreement between the United Nations and the Republic of the United States of Indonesia with regard to the privileges and immunities of the members and staff of the United Nations Commission for Indonesia.

I have the honour to be,

Sir,

Your obedient servant.

(Signed) J. A. Romanos
Principal Secretary

His Excellency Dr. Mohammad Hatta,
Prime Minister and Minister for Foreign Affairs,
Republic of the United States of Indonesia,
Djakarta.

1 Indonesia has since become a Member of the United Nations, but has not yet acceded to the Convention on the Privileges and Immunities of the United Nations.
Article I

1) Le Gouvernement royal égyptien accepte de délivrer aux représentants du Directeur de l'Office et dont les noms seront communiqués au Gouvernement égyptien et agréés par lui; des laissez-passer «written-permits» qui leur permettront:

a) De se déplacer librement et en tout temps dans les territoires contrôlés par l'Egypte en Palestine du Sud et en territoire égyptien où se trouvent des groupes importants de réfugiés.

1 Entré en vigueur dès sa signature le 12 septembre 1950, conformément à la clause finale. Texte officiel français.

b) De se déplacer librement et en tous temps entre cette région de Palestine du Sud et le Royaume d’Égypte.

2) Le Gouvernement royal égyptien accepte de délivrer à la requête du Directeur de l’Office ou son adjoint, aux personnes employées par l’office et recrutées localement (tels que: docteurs, nurses, chauffeurs, messagers) dont les noms seront communiqués au Gouvernement égyptien et agréés par lui des laissez-passer (written permits) leur permettant de se déplacer librement dans les territoires mentionnés ci-dessus.

Il est entendu que ces laissez-passer (written permits) pourront être retirés aux bénéficiaires pour des raisons de sécurité ou en raison d’actes illégaux qu’ils auraient commis.

3) Le Gouvernement royal égyptien accepte de délivrer des autorisations qui permettront aux automobiles et autres véhicules de l’Office de se déplacer librement et en tous temps dans les régions mentionnées ci-dessus.

4) La liberté de déplacement dont il est fait mention aux paragr. 1, 2 et 3 ci-dessus sera considérée en rapport avec les règlements de police, et ceux relatifs à la sécurité militaire dans les zones où pareils règlements pourront exister.

**Article II**

1) Les facilités suivantes pour les fournitures, approvisionnements, produits et équipements destinés aux réfugiés de Palestine seront accordées gratuitement par le Gouvernement royal d’Égypte:
   a) main-d’œuvre pour le déchargement et la manutention,
   b) transport par chemin de fer ou camions et fourniture de carburant nécessaire,
   c) entrepôts et magasins,
   d) sécurité pendant l’emmagasinage et le transport.

2) Il est entendu que le Gouvernement royal égyptien n’est pas garant des avaries ou pertes inhérentes aux opérations de transports ou provenant du vice propre de la chose, de la force majeure ou d’un cas fortuit.

**Article III**

1) Les fournitures, approvisionnements, produits et équipements y compris les produits pétroliers destinés aux réfugiés en Palestine du Sud sous contrôle égyptien seront exemptés de tous droits de douanes, taxes ou frais d’importation et d’exportation habituellement perçus par l’État ou par des administrations publiques.

2) Sous réserve des mesures concernant la sécurité et l’ordre public, seront exemptés de la visite et de la vérification les fournitures, approvisionnements, produits et équipements ci-dessus mentionnés.

Cette exemption pourra être retirée si la Douane constate qu’il en est fait abus.

De plus l’Office est exempté de la nécessité d’obtenir des permis d’importation en Égypte, des permis d’entrée en Palestine du Sud ou des autorisations de change pour ce qui concerne les matières ci-dessus.

**Article IV**

Les fournitures, approvisionnements, produits et équipements, y compris les produits pétroliers introduits en Palestine du Sud sous contrôle égyptien,
en vertu des articles précédents restent la propriété des Nations Unies jusqu’à leur remise aux bénéficiaires.

Article V

Le Gouvernement royal égyptien assurera autant que possible des moyens rapides de transmission y compris si nécessaire, le plein usage du réseau de télécommunication entre Gaza-Port Said ou Le Caire ainsi qu’autant que possible, l’usage des facilités que peut offrir l’Armée royale égyptienne, étant entendu que ces facilités seront utilisées seulement pour les transmissions ayant trait aux opérations des programmes de secours et de travaux.

Article VI

Dans le but de faciliter la mission de l’Office:
1) Le Gouvernement royal égyptien désignera un Officier de liaison dont le nom sera communiqué au Directeur de l’Office et qui centralisera toutes les demandes de l’Office dans les territoires en Palestine du Sud sous contrôle égyptien et sera l’intermédiaire entre l’Office et les Autorités et Agents publics dans ces territoires.
2) Le Gouvernement royal égyptien mettra à la disposition de l’Office les listes en sa possession des réfugiés se trouvant en Égypte ou dans lesdits territoires en Palestine du Sud sous contrôle égyptien.
3) La mise à jour des listes définitives par l’addition de nouveaux noms de réfugiés, se fera de commun accord entre le Gouverneur général de la Palestine du Sud sous contrôle égyptien et le Directeur de l’Office ou son adjoint. Toute radiation, ou suspension des fournitures ou approvisionnements à des réfugiés dont les noms figurent déjà sur ces listes, relève de la seule autorité du Gouverneur général agissant, après consultation avec le Directeur de l’Office ou son adjoint.

Article VII


Pour le Gouvernement égyptien: Pour UNRWA:
Le Ministre des affaires étrangères a.i. Le Directeur
(Signé) Ibrahim FARAG (Signé) Howard KENNEDY

12 septembre 1950
EXCHANGE OF LETTERS

I

The Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to the Egyptian Minister of Foreign Affairs ad interim

Excellency,

I have the honour to refer to the Agreement between the Royal Egyptian Government and UNRWA, signed to-day, and in particular to Article VI, paragraph 3, of the same.

It is my understanding as regards the Article in question that no objection will be raised on behalf of the Royal Egyptian Government to deletion of refugees from the list because of deaths, official transfers to other areas or because of transfers to wage paying works projects. It is understood that deletions of refugee workers and their dependents will remain valid only during the period the refugee is employed on wage paying projects.

It is also my understanding that the approximative number of refugees at the time the Agreement was initialled, the 23 of July 1950, viz 200,000 refugees, shall be accepted as a working basis.

I have the honour to be, Excellency,

Yours very truly,

Howard Kennedy
Director UNRWA
12 Sept. 1950

II

The Egyptian Minister of Foreign Affairs ad interim to the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
CABINET DU MINISTRE

Cairo, September 12th, 1950

Dear General Kennedy,

I have the honour to acknowledge receipt of your letter on the subject of the new Agreement between the Royal Egyptian Government and UNRWA, signed to-day.

Having regard to Article VI, paragraph 3, of the Agreement referred to above, I hereby confirm on behalf of my Government, that no objection will be raised to deletion of refugees from the list because of deaths, official transfers to other areas or because of transfers to wage paying works projects. It is understood that deletions of refugee workers and their dependents will remain valid only during the period the refugee is employed on wage paying projects, and that the approximative number of refugees at the time the Agreement was initialled on the 23 July 1950, viz 200,000 shall be accepted as a working basis.

With expressions of my highest regard, believe me, Sir,

Yours very truly,

H.E. Mr. Howard Kennedy
(Signed) Ibrahim Farag
Director UNRWA
Cairo

1 Official text of the Exchange of letters: English.
12. Agreement \(^1\) between the Government of the Haschemite Kingdom of the Jordan and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Signed on 14 March and 20 August 1951 \(^2\)

Whereas the General Assembly of the United Nations at its Fourth Session, by Resolution 302 (IV) of 8th December, 1949, established the United Nations Relief and Works Agency for Palestine Refugees in the Near East hereinafter referred to as the Agency, to carry out the terms of the said Resolution;

Whereas the relief for Palestine refugees was formerly the subject of an agreement between the Haschemite Kingdom of the Jordan and the Director of the United Nations Relief for Palestine Refugees and that this agreement has been continued by grace of the Haschemite Kingdom of the Jordan pending the conclusion of a new agreement between that Government and the Agency;

Whereas the Haschemite Kingdom of the Jordan \(^3\) identifies itself with the above quoted Resolution of the General Assembly and with the Resolution adopted by the General Assembly at its 315th Plenary meeting of 2 December, 1950, which Resolutions have been agreed to by the Arab member nations, and whereas the Haschemite Kingdom of the Jordan has at the same time introduced legislative measures which permit the reintegration of Palestine refugees within the Kingdom of the Jordan at the request of the refugees concerned, the Haschemite Kingdom of the Jordan and the Agency have agreed that the present machinery established by the Ministry of Development and Reconstruction and the Agency for the consideration and implementation of reintegration and other projects shall be maintained;

Whereas the supplies to be distributed and the funds to be expended represent gifts of member states of the United Nations and others for the implementation of the provisions of the above quoted Resolutions;

Whereas the Agency as a matter of policy will endeavor to utilize its funds to the maximum advantage of the refugees;

Whereas the Haschemite Kingdom of the Jordan has expressed its desire to cooperate with the Agency in giving effect to the provision of the above quoted Resolutions with which the Haschemite Kingdom of the Jordan has identified itself, the Haschemite Kingdom of the Jordan and the Agency have agreed that the following facilities and immunities are necessary for the successful continuation of the Agency’s program:

**Article I**

The Haschemite Government of the Jordan agrees to grant the Director of the Agency, the members of his Advisory Commission and the senior

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\(^1\) Came into force on 20 August 1951 by signature. Official text of the agreement: Arabic; translation by the Secretariat of the United Nations.


\(^3\) Jordan, although not then a Member of the United Nations, and not a party to the Convention on the Privileges and Immunities of the United Nations, has since been admitted to membership in the United Nations and acceded to the said Convention on 3 January 1958.
officials of the Agency as may be agreed upon in writing between the Hashemite Government of the Jordan and the Director of the Agency the privileges and immunities normally granted in accordance with international custom to Diplomatic Envoys of equivalent rank. The Hashemite Government of the Jordan further agrees to grant all internationally recruited members of the Agency's staff the privileges and immunities including freedom from income and other taxes provided for under the Convention on the Privileges and Immunities of the United Nations with which the Hashemite Government of the Jordan identifies itself. Copy of the Convention is annexed to this Agreement.

Article II

The Hashemite Government of the Jordan agrees to grant the international and local staff of the Agency whose names are communicated to the Hashemite Government of the Jordan certificates of identity or travel permits which will authorise them to:

(1) Move freely at any time throughout the Hashemite Kingdom of the Jordan in and between areas in which substantial groups of refugees may be found, or where reintegration projects are proposed or undertaken;

(2) Move freely between the Hashemite Kingdom of the Jordan and the neighboring Arab states;

(3) Such certificates or permits may be withdrawn by the Minister of Foreign Affairs for international staff and by the Minister of Reconstruction and Development for local personnel at any time for reasons connected with public security or for unlawful actions which may have been committed, but in all cases not before notification has been made to the responsible officers of the Agency;

(4) The Government further agrees to issue permits which will permit passengers, cars and freight vehicles of the Agency to move freely at any time within the Kingdom and to grant facilities for speedy crossing of the frontiers; it being understood that the freedom of movement described above shall be subject to regulations pertaining to military security in areas where such regulations are in force;

(5) The Hashemite Government of the Jordan agrees to issue to the Director of the Agency, the members of his Advisory Commission and all members of his staff, appropriate visas which will permit them at all times to enter and leave the Hashemite Kingdom of the Jordan, and agrees to exempt all such persons, when travelling on official business of the Agency, from quarantine, customs, visas or other fees or taxes of a similar nature collected for the profit of the Kingdom or any administration or society whatsoever.

Article III

The Agency agrees that as a matter of policy, and given equal conditions, priority in the selection of personnel and in the utilization of services will be given to refugees or to services operated or owned by the refugees; and further agrees, all conditions being equal, to purchase such supplies as may be required and are available from local markets.

The appointment of local staff shall be made upon the recommendations of an Agency selection board in which the Government shall be represented.
Article IV

The Hashemite Government of the Jordan agrees to pay to the Agency, with effect from 1st March, 1951, contributions amounting to five thousand Jordanian Dinars per month for all relief and administration purposes.

The Government further agrees to provide safe conduct of goods, produce, stores and equipment at all times within the Hashemite Kingdom of the Jordan.

The Agency agrees to pay to the Jordan Government, with effect from 1st March 1951, the sum of five hundred Jordanian Dinars per month towards all costs arising out of rents for land occupied by refugee camps and for charges of water consumed by refugees within the Hashemite Kingdom of the Jordan, it being understood that the responsibility for the provision of camp sites and of water and for resolving all questions arising out of their procurement shall rest with the Government.

The Hashemite Government of Jordan agrees to bear all costs arising out of rents for land occupied by refugee camps and for charges of water consumed by refugees in excess of five hundred Jordanian Dinars per month.

Article V

The goods, stores, produce and equipment including petroleum products destined for the refugees in the Jordan shall be admitted exempt of all customs duty, taxes or import duties of any sort collected for the profit of the Kingdom or any administration or society whatsoever.

The Hashemite Kingdom of the Jordan, without prejudice to reasonable security requirements, waives the right of inspection of the aforementioned goods, stores, produce and equipment and further grants exemption from the need to obtain export permits and import permits; it being understood that the Government reserves the right to withdraw this exemption upon the submission of evidence to the responsible officers of the Agency that it has been abused.

Article VI

The goods, stores, produce and equipment including petroleum products brought into the Hashemite Kingdom of the Jordan by virtue of the preceding Articles shall remain the property of the United Nations until delivery to individual beneficiaries or formal transfer by the Agency to the Government.

Article VII

The Agency agrees that a schedule of refugees shall be established upon the completion of the current census of refugees within the Hashemite Kingdom of the Jordan to which the Government has given its support, and thereafter agrees that this schedule may be amended by eliminations and addition by the Chief District Officer of UNRWA in Jordan after consultations with 1 the Hashemite Minister of Development and Reconstruction; keeping in mind the necessity of encouragement of able-bodied refugees to find employment as well as the responsibility of the Agency to spend its funds in conformity with its mandate.

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1 Arabic copy reads: "in agreement with..."
Article VIII

The Hashemite Government of the Jordan agrees that any funds which are the property of the Agency at the end of its program and which are on deposit or current account within Jordan as the result of an official transfer, may at the request of the Director of the Agency be reconverted into the original foreign currency at the current official rates obtaining at the time of reconversion.

The Agency further agrees that all transfers of Agency funds into the Hashemite Kingdom of the Jordan shall be effected through official channels.

Article IX

The specific conditions under which works and reintegration projects are to be carried out shall be laid down in special agreements between the Government of the Hashemite Kingdom of the Jordan and the Agency.

Article X

The Hashemite Government of the Jordan undertakes to accept responsibility for guarding within the Kingdom the stores, warehouses, water and other installations of the Agency and generally undertakes to give all such facilities which may assist the Agency in achieving the objectives set out in the Resolutions of the General Assembly which are annexed to this Agreement and to which the Hashemite Government of the Jordan now adheres and supports in common with the action taken by other Arab Governments at the Fourth and Fifth Sessions of the General Assembly.

Article XI

The terms and obligations of this Agreement shall be regarded as being binding upon the contracting parties from the date of signature. The provisions of Articles IV and V concerning contributions and services to be given by the Government of the Hashemite Kingdom of the Jordan save when otherwise indicated shall be binding as from 1st May 1950.

Signed this 14th day of March, 1951.

(Signed) John B. Blandford, Jr., Director
On behalf of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

(Signed) Anastas Hanania
Minister for Development and Reconstruction
The Hashemite Kingdom of Jordan

The Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to the Minister of the Hashemite Kingdom of Jordan

20 August 1951

Excellency,

I have the honour to inform Your Excellency that I am enclosing here-with a copy, in Arabic, of the agreement between UNRWA and the Jordan Government, which I have duly signed.
I have signed this agreement, in spite of the differences between the English and Arabic texts as to procedure for the modification of the ration rolls since I sincerely believe in the good faith of the Jordan Government, and I am most anxious to do away with the final obstacles to the implementation of a realistic and constructive programme.

It is, however, my duty to draw your Excellency’s attention to the Agency’s new obligations under the resolution adopted by the 5th General Assembly of the United Nations, which were based on recommendations from UNRWA’s Advisory Commission. Further, the Agency’s relief budget for the fiscal year beginning July 1, 1951, is presently limited to $20,000,000. Other available funds are intended for reintegration.

After three years’ effort and investigations, the contributing countries are now justified in considering that the number of refugees registered does in fact correspond to the number of Palestinians who should receive relief. We therefore now consider that the number of rations actually distributed in each host country constitute a ceiling which must not be exceeded.

Any new registrations which might possibly be proposed by the Appeal Board should, therefore, be accepted only in very exceptional cases and if conclusive proofs are furnished as to the rights of the persons concerned. Acceptance of any such registrations will naturally entail a decrease in the calorific value of the rations distributed, as the share of the new beneficiaries will have to be drawn from the present ration quota as determined by apportionment of contributions for relief.

Your Excellency will also no doubt realise that since registration on the ration rolls may be interpreted as qualification for the benefit of the reintegration programme any such registration should follow very strict rules, and complete objectivity should be observed.

There is a further point which has been firmly pressed upon by the Secretary-General of the United Nations and the principal contributors: Agency funds are not available for meeting the serious problem of the non-refugee needy.

In the light of the foregoing I have no doubt that Your Excellency and Sir Alexander Galloway will be able to work out a procedure for the practical application of the agreement, the signature of which will, I sincerely hope, be the starting point of concrete and profitable achievements for the benefit of the refugees.

I have the honour to be, Your Excellency,

With expression of my highest regard,

Yours very truly

John B. Blandford, Jr.
Director, UNRWA

His Excellency The Prime Minister
of the Hashemite Kingdom of Jordan
Amman
13. Échange de notes constituant un arrangement global\(^1\) entre l'Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine dans le Proche-Orient et la République libanaise. Beyrouth, 26 novembre 1954\(^2\)

I

RÉPUBLIQUE LIBANAISE

MINISTÈRE DES AFFAIRES ÉTRANGÈRES ET DES LIBANAISS D'OUTRE-MER

Service des Nations Unies, des conférences et des traités internationaux

Beyrouth, le 26 novembre 1954

Le Ministère des affaires étrangères présente ses compliments à la Direction de l'Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine et, se référant à la lettre et aux deux aide-mémoire que l'Office lui a fait parvenir en date du 5 mars 1954 ainsi qu'aux négociations qui ont eu lieu à ce sujet, a l'honneur de lui confirmer qu'après avoir examiné la question dans son ensemble, il a soumis à l'approbation du Conseil des ministres l'arrangement global envisagé entre le Ministère et l'Office. Le Ministère a l'honneur de porter aujourd'hui à la connaissance de l'Office que, par décision en date du 27 octobre 1954, le Conseil des ministres a donné son approbation à cet arrangement, lequel comporte les points suivants:

1. Le Gouvernement libanais est disposé à faire droit aux demandes de l'Office énoncées dans l'aide-mémoire n° 2 du 5 mars 1954, relatives au statut juridique de l'UNRWA et aux privilèges, immunités et facilités dont seraient susceptibles de bénéficier l'Office et ses fonctionnaires. En particulier, le Gouvernement est prêt à donner à la Convention du 13 février 1946 sur les privilèges et immunités des Nations Unies une interprétation conforme à la pratique internationale.

2. En ce qui concerne la contribution annuelle future au programme de secours et de travaux pour les réfugiés de Palestine, le Gouvernement est disposé à verser une contribution correspondant à 0,06% du budget de l'Office sous forme de services rendus directement à certaines catégories de réfugiés palestiniens résidant sur son territoire. Toutefois il est disposé à verser cette contribution en espèces si l'Office acceptait de prendre à sa charge les frais afférents à ces services.

3. En ce qui concerne le passé, le Gouvernement est disposé à rembourser à l'Office, sur présentation de pièces comptables nécessaires, les sommes indiquées dans l'annexe à l'aide-mémoire précité, s'élevant au 31 décembre 1953 à un total de $187.309,26 ainsi que les taxes d'atterrissage prélevées sur l'avion de l'UNRWA (aide-mémoire n° 2 du 5 mars 1954, paragraphe 24) soit au 31 décembre 1953, un montant de $4.770.— A ces montants viendront s'ajouter les sommes afférentes à la période ultérieure.

4. De son côté, l'Office prendra acte du fait que les sommes promises au titre de la contribution annuelle du Liban au budget de l'Office, pour les

\(^1\) Entré en vigueur le 26 novembre 1954 par l'échange desdites notes. Texte officiel français.

exercices budgétaires allant de 1951 au 30 juin 1954, soit un total de $150.000.— ont été réglées sous forme de dépenses directes ou indirectes effectuées par le Gouvernement pour l'aide aux réfugiés palestiniens se trouvant sur son territoire.

5. En outre, l'Office prendra à sa charge certains frais assumés par le Comité Central libanais d'aide aux réfugiés, soit au total LL. 147.673.— représentant des dépenses entraînées par l'hospitalisation de divers réfugiés du 1er janvier 1953 au 30 avril 1954. Les justificatifs nécessaires seront, le moment venu, fournis à l'Office.

6. En annexe à la présente note, le Ministère a l'honneur de joindre le texte de la réglementation précise arrêtée d'accord avec l'Office en vue de mettre en œuvre l'arrangement intervenu.

Le Ministère des Affaires Étrangères saisit cette occasion pour renouveler à la Direction de l'Office, les assurances de sa haute considération.

(Signé) Alfred NACCACHE
Ministre des affaires étrangères

(Paraphé) Fouad AMMOUN
Directeur général
du Ministère des affaires étrangères

Direction de l'Office de secours et de travaux des Nations Unies
pour les réfugiés de Palestine

Beyrouth

RÈGLEMENT RELATIF À LA MISE EN ŒUVRE DE L'ARRANGEMENT GLOBAL INTERVENU ENTRE LE MINISTÈRE DES AFFAIRES ÉTRANGÈRES DE LA République Libanaise ET L'OFFICE DE SECOURS ET DE TRAVAUX DES Nations Unies POUR LES RÉFUGIÉS DE PALESTINE

Attendu que, dans son aide-mémoire n° 2 du 5 mars 1954, l'Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine a énoncé diverses demandes relatives au statut juridique, privilèges et immunités, dont il devrait bénéficier, ainsi que ses fonctionnaires, sur le territoire du Liban;

Attendu que ces demandes sont fondées d'une part sur des textes internationaux auxquels le Liban a souscrit, d'autre part sur la pratique générale des États;

Attendu que le Ministère des affaires étrangères a soumis à l'approbation du Conseil des ministres un arrangement global en vertu duquel, notamment, le Gouvernement libanais ferait droit aux demandes énoncées par l'Office, relatives à son statut juridique, à ses privilèges, immunités et facilités, ainsi qu'à ceux de ses fonctionnaires;

Attendu que par décision en date du 27 octobre 1954 le Conseil des ministres a approuvé l'arrangement global intervenu;

Attendu que par sa note du 26 novembre 1954 l'Office a donné son agrément à l'arrangement global ci-dessus mentionné;

Il a été décidé d'adopter le règlement suivant:

Droits et taxes

1. Les mesures appropriées seront adoptées par le Ministère compétent pour que soient remboursés à l'Office, selon une procédure simplifiée, tous les droits et taxes afférents à la consommation de carburants liquides, d'alcool et de ciment (Article II, Section 8 de la Convention sur les privilèges
et immunités des Nations Unies). Au besoin et dans le même esprit, cette réglementation pourra être appliquée à d'autres produits dans le cadre de la Convention.

(Aide-mémoire n° 2, paragraphes 12 à 18)

2. Les sommes afférentes à la consommation passée desdits produits seront remboursées à l'Office sur la base des pièces comptables nécessaires, dont la plupart ont déjà été déposées auprès des Autorités compétentes.

Droits portuaires

3. Les droits portuaires afférents à la période allant du 1er novembre 1949 au 30 juin 1951 seront remboursés à l'Office. Aucune autre demande de remboursement ne sera présentée à l'avenir.

(Aide-mémoire n° 2, paragraphes 19 à 21)

Transports par chemin de fer

4. La différence entre les frais de transport par chemin de fer et les frais par la route sera remboursée à l'Office, conformément à l'Accord intervenu en septembre 1950, entre les Gouvernements du Liban, de Syrie et de Jordanie.

(Aide-mémoire n° 2, paragraphe 23)

Droits d'atterrissage

5. Les droits d'atterrissage de l'avion antérieurement perçus seront remboursés à l'Office sur présentation des pièces comptables nécessaires. Aucun droit de cette nature ne sera perçu à l'avenir et toutes mesures utiles seront prises pour que la dispense de ces droits intervienne automatiquement. Cela n’affecte pas les droits correspondant à des services spécifiques.

(Aide-mémoire n° 2, paragraphe 24)

Notion d'effets personnels

6. a) La Convention sur les privilèges et immunités des Nations Unies (Section 18, litt. g) fera l'objet d'une interprétation conforme à la pratique internationale la plus libérale en la matière. Les formalités actuelles d'importation seront simplifiées et facilitées; sous réserve du paragraphe 9 ci-dessous, aucune discrimination ne sera établie entre les effets personnels neufs et usagés.

b) En particulier, un régime d'importation temporaire illimitée sera accordé pour les automobiles des fonctionnaires de l'Office recrutés internationalement, selon le système que l'Office a suggéré dans son aide-mémoire précité (par. 31):

« a) Les voitures — usagées ou neuves — seront admises en franchise douanière pendant toute la durée des fonctions de leurs propriétaires;

« b) La revente au Liban ne sera pas autorisée sinon dans des conditions agréées par les autorités libanaises compétentes (la réglementation applicable à cet égard serait analogue à celle adoptée pour les missions diplomatiques au Liban); »
Période d’importation des effets personnels

7. Étant donné les difficultés particulières rencontrées par les fonctionnaires internationaux de l’Office, la période de libre importation des effets personnels en général pourra être étendue par le Ministère des affaires étrangères à une période d’un an.

(Aide-mémoire n° 2, paragraphe 33)

Régime diplomatique


(Aide-mémoire n° 2, paragraphes 41 à 44)

Abus

Il est entendu que l’Office s’engage à veiller à ce que les facilités mentionnées ci-dessus ne donnent lieu à aucun abus, et à réprimer tout abus qui serait porté à sa connaissance.

(Aide-mémoire n° 2, paragraphe 40)

II

NATIONS UNIES

OFFICE DE SECOURS ET DE TRAVAUX POUR LES RéFUGIÉS DE PALESTINE

L’Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine présente ses compliments au Ministère des affaires étrangères de la République libanaise et, en réponse à la note que celui-ci a bien voulu lui adresser en date de ce jour, a l’honneur de porter ce qui suit à sa connaissance, relativement à l’arrangement global qui a été envisagé entre l’Office et le Ministère et soumis par celui-ci au Conseil des ministres qui l’a approuvé par décision en date du 27 octobre 1954.

1. En ce qui concerne le statut juridique, les privilèges, immunités et facilités de l’Office et de ses fonctionnaires au Liban, l’Office prend acte du fait que le Gouvernement libanais est disposé à faire droit aux demandes énoncées dans l’aide-mémoire n° 2 du 5 mars 1954 et à donner à la Convention du 13 février 1946 sur les privilèges et immunités des Nations Unies une interprétation conforme à la pratique internationale.

2. En ce qui concerne la contribution annuelle future au programme de secours et de travaux pour les réfugiés de Palestine, l’Office prend acte du fait que le Gouvernement est disposé à verser une contribution correspondant à 0,06% du budget de l’Office sous forme de services rendus directement à certaines catégories de réfugiés palestiniens résidant sur son territoire. Toutefois, afin de permettre au Gouvernement de verser cette contribution en espèces au budget de l’Office, celui-ci se déclare prêt à prendre à sa charge, à due concurrence, les frais afférents aux services précités, selon des modalités qui seront fixées ultérieurement d’un commun accord.
3. En ce qui concerne le passé, l'Office prend acte du fait que le Gouvernement est disposé à rembourser les sommes énoncées dans l'annexe à l'aide-mémoire précité, ainsi que les taxes d'atterrisage prélevées sur l'avion des Nations Unies. A ces montants viendront s'ajouter les sommes afférentes à la période ultérieure.

4. L'Office prend acte du fait, communiqué par le Gouvernement libanais, que les contributions que le Liban avait promis de verser au budget de l'Office pour les exercices budgétaires allant de 1951 au 30 juin 1954 ont été dépensées directement ou indirectement par ce Gouvernement pour l'aide aux réfugiés palestiniens se trouvant sur son territoire. L'Office considère par conséquent que la question est réglée en ce qui concerne le passé.

5. Quant aux frais assumés par le Comité central d'aide aux réfugiés, l'Office tient à répéter que, à son avis, ces dépenses auraient dû en principe être assumées par le Gouvernement. Toutefois, l'Office se déclare disposé, par esprit de conciliation, à prendre à sa charge pour la période allant jusqu'au 30 avril 1954 la somme de LL 147.673 sous réserve de l'examen des pièces comptables appropriées.


Beyrouth, le 26 novembre 1954
William E. F. Conrad

Au Ministère des affaires étrangères de la République libanaise
Beyrouth

14. Exchange of Letters constituting an Agreement 1 between Israel and the United Nations Relief and Works Agency for Palestine Refugees concerning Assistance to Palestine Refugees in the Gaza Strip. Israel and Beirut, 9 November 1956 2

I

ISRAEL DEFENCE FORCES
GENERAL HEADQUARTERS
OFFICE OF THE CHIEF OF STAFF

9 November 1956

Dear Mr. H. R. Labouisse,

I have the honour to refer to our conversation in Tel Aviv and to the recent conversations in Jerusalem between your representatives and representatives of the State of Israel, and hereby confirm that the Israel Government would like UNRWA to continue its assistance to the Palestine refugees in the Gaza Strip.

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1 Came into force on 9 November 1956 by the exchange of the said letters.
2. The Israel Government has authorized me to state that it will afford all the facilities required in order that UNRWA shall be enabled to carry out its task.

3. To this end we are prepared:
   (a) To ensure to the best of our ability the protection and security of the personnel, installations and property of UNRWA;
   (b) To permit the free movement of UNRWA vehicles into, within and out of Israel and the Gaza Strip subject only to such regulations as the military situation shall require;
   (c) To permit the international staff of the Agency to move in, out and within Israel and the Gaza Strip; they will be provided with identity documents and any other passes which might be required;
   (d) To permit the local staff of the Agency to move within the Gaza Strip under arrangements made or to be made with the Military Governor;
   (e) To recognize that the Convention on the Privileges and Immunities of the United Nations of 19 February 1946, to which Israel is a party, shall generally govern the relations between the Government and UNRWA in all that concerns the application of this agreement.

4. All matters regarding the operations of UNRWA under this agreement and not covered hereby may form the subject of such supplementary agreements as may be required.

5. The present letter and your acceptance in writing will be considered by the Government of Israel and by UNRWA as a provisional agreement which will remain in force until replaced or cancelled.

I have the honour to be, Sir,

Yours faithfully,

(Signed) Rav-Aloof M. Dayan
Chief of Staff
Israel Defence Forces
General Headquarters, IDF

His Excellency Mr. H. R. Labouisse
Director, United Nations Relief and Works Agency
Beirut

II

UNITED NATIONS RELIEF AND WORKS AGENCY
FOR PALESTINE REFUGEES, BEYROUTH

9th November, 1956

Sir,

I have the honour to refer to your letter of to-day’s date expressing the wish of your Government that UNRWA continue its assistance to the Palestine refugees in the Gaza Strip.

2. As the Director of UNRWA I am prepared to agree that the Agency should continue its work on behalf of the Palestine refugees in the Gaza Strip as an emergency measure subject to:
   (a) the reservations embodied in the *Aide-Mémoire* transmitted on 2nd November 1956 by the Secretary-General to the Permanent Delegate of Israel to the United Nations;
the undertakings contained in your letter under reply, it being understood that, in accordance with what was agreed in the conversations mentioned in paragraph 1 of your aforesaid letter, the facilities enumerated in paragraph 3 thereof are not limitative;

c) any relevant instructions or resolutions emanating from one of the principal organs of the United Nations;

d) the conclusion at an early date of such supplementary agreements as may be necessary, including one on financial matters.

3. I agree that this reply and your afore-mentioned letter constitute a provisional agreement of an emergency nature, between UNRWA and the Government of Israel, to remain in force until replaced or cancelled.

I have the honour to be, Sir,

Yours faithfully,

(Signed) Henry R. Labouisse
Director

Rav-Aloof M. Dayan, Chief of Staff
Israel Defence Forces, General Headquarters, IDF

15. Trusteeship Agreement 1 for the Territory of Somaliland under Italian Administration, 2 approved by the General Assembly of the United Nations on 2 December 1950

Article 1

The territory to which this Agreement applies is the territory formerly known as Italian Somaliland, hereinafter called the Territory, bounded by the Somaliland Protectorate, Ethiopia, Kenya, the Gulf of Aden and the Indian Ocean. Its boundaries shall be those fixed by international agreement and, in so far as they are not already delimited, shall be delimited in accordance with a procedure approved by the General Assembly.

Article 2

Italy shall be entrusted with the administration of the Territory, and the Government of Italy (designated in this Agreement as the Administering Authority) shall be represented therein by an Administrator. The Administering Authority shall be responsible to the United Nations for the peace, order and good government of the Territory in accordance with the terms of this Agreement.

The Administering Authority shall be aided and advised by an Advisory Council composed of representatives of Colombia, Egypt and the Philippines.

The headquarters of the Administrator and of the Advisory Council shall be in Mogadishu.

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1 Came into force on 8 January 1952, date on which the instrument of ratification by Italy was deposited with the Secretary-General of the United Nations. Italy has since become a Member of the United Nations and acceded to the Convention on the Privileges and Immunities of the United Nations on 3 February 1958.
Article 10

In the Territory, members of the Advisory Council shall enjoy full diplomatic privileges and immunities, and their staff shall enjoy the privileges and immunities which they would enjoy if the Convention on the Privileges and Immunities of the United Nations were applicable to the Territory.


I

UNITED NATIONS

NEW YORK

OFFICE OF THE PERSONAL REPRESENTATIVE
OF THE SECRETARY-GENERAL

Pusan, 21 September 1951

Sir,

I. I have the honour to refer to Article 104 of the Charter of the United Nations which provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and for the fulfilment of its purposes, and to Article 105 of the Charter which provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.

II. I have the further honour to refer to Resolution 376 (V)² adopted by the General Assembly at its 294th plenary meeting on 7 October 1950 establishing the United Nations Commission for the Unification and Rehabilitation of Korea and to Resolution 410 (V)³ adopted by the General Assembly on 1 December 1950 establishing the United Nations Korean Reconstruction Agency, particularly to Part B, paragraph 16 (14), which provides that the personnel of the United Nations shall be accorded within Korea the privileges, immunities and facilities necessary for the fulfilment of their functions.

III. It is understood in this connexion that the Government of the Republic of Korea wishes to accord to the United Nations, as represented at any time in the territory of the Republic of Korea by its various organs, to representatives of Members of the United Nations and to officials of the Organization, those privileges and immunities which in accordance with Articles 104 and 105 of the Charter must be regarded as necessary for the

¹ Came into force on 21 September 1951, by the exchange of the said letters.
exercise of the functions of the United Nations and the fulfilment of its purposes.

IV. In this matter it is therefore proposed and agreed on behalf of the United Nations that:

The Organization

1. The United Nations, as represented in the territory of the Republic of Korea by its various organs, shall enjoy all the privileges and immunities set out in Articles I through III of the Convention on the Privileges and Immunities of the United Nations—namely, those provisions relating to its juridical personality, its property, funds and assets, archives, communications, and currency transactions.

United Nations Laissez-Passer

2. The United Nations Laissez-Passer shall be recognized and accepted as a valid travel document by the Republic of Korea in accordance with the provisions of Article VII of the Convention on the Privileges and Immunities of the United Nations.

Radio Broadcasting Facilities

3. The United Nations may establish and operate in Korea its own sending and receiving radio broadcasting facilities.

Representatives of Member States and Officials

4. (1) Representatives of Member States serving on United Nations Commissions operating in Korea and the members of their delegations,

(2) Representatives of organs of the United Nations who may exercise official functions in Korea,

(3) The Agent General of the United Nations Korean Reconstruction Agency, his Deputies and other officials of the staff of the Agency,

(4) The personal representative of the Secretary-General, the Principal Secretary and other United Nations Secretariat staff of organs of the United Nations operating in Korea,

(5) Officials of the United Nations Specialized Agencies and any further United Nations Secretariat staff who may exercise official functions in Korea, shall enjoy the privileges and immunities, exemptions and facilities as are granted to diplomatic envoys of similar rank in accordance with international law. The names of representatives and officials included in the above categories shall from time to time be communicated to the Government of the Republic of Korea.

Experts on Missions for the United Nations

5. Experts (other than officials coming within the scope of the preceding sub-paragraph 4, but including officials of voluntary agencies) performing missions for the United Nations in Korea shall be accorded the privileges and immunities set out in Article VI of the Convention on thePrivileges and Immunities of the United Nations.

Locally recruited Personnel

6. Locally recruited personnel attached to any United Nations organs operating in Korea shall enjoy immunity from jurisdiction in respect of all
acts and functions performed by them in their official capacity. Locally recruited personnel who are considered essential to the work of the United Nations because of their special qualifications, shall enjoy immunity from military or other compulsory service. A list of locally recruited personnel considered essential will be furnished periodically to the Government of the Republic of Korea.

Persons invited to consult or assist the United Nations

7. Persons invited to consult with or render assistance to the United Nations and its various organs represented in Korea shall be afforded free access to these organs, and shall enjoy full immunity and protection with respect to any act performed or any statement made in the course of such consultation or assistance.

Settlement of Disputes

V. It is further proposed and agreed on behalf of the United Nations that any dispute between the Republic of Korea and the United Nations concerning the interpretation or application of this agreement which is not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a Tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one by the Government of the Republic of Korea and a third to be chosen by the two. If the two arbitrators should fail to agree on the choice of a third, or if one party should fail to appoint an arbitrator, the President of the International Court of Justice may be asked by one party to appoint an arbitrator. The failure of one party to appoint an arbitrator shall not preclude the making of a binding award by the other two.

Final Clauses

VI. This letter and Your Excellency's reply accepting the foregoing proposals will constitute an agreement between the United Nations and the Government of the Republic of Korea in respect of the contents thereof.

VII. It is understood that nothing in this agreement shall in any way prejudice or detract from the privileges and immunities granted under any other agreement concluded or to be concluded between the United Nations and its various organs in Korea on the one hand and the Republic of Korea on the other.

I have the honour to be, Sir, your obedient servant.

(Signed) C. A. STAVROPOULOS
For the Secretary-General

His Excellency Syngman Rhee
President of the Republic of Korea
Pusan

II

REPUBLIC OF KOREA
OFFICE OF THE PRESIDENT

September 21, 1951

Sir,

I have the honour to acknowledge receipt of your letter of 21 September 1951 concerning the privileges and immunities to be enjoyed by the United
Nations in Korea, and to express the full agreement of the Government of the Republic of Korea to the provisions contained in paragraph IV, 1 to 7, and paragraph V of that letter.

This exchange of letters will constitute an agreement between the United Nations and the Government of the Republic of Korea in respect of the contents thereof.

It is understood that nothing in this agreement shall in any way prejudice or detract from the privileges and immunities granted under any other agreement concluded or to be concluded between the United Nations and its various organs in Korea on the one hand and the Republic of Korea on the other.

I have the honour to be, Sir, your obedient servant.

For the President:
(Signed) Y. T. Pyun
Yung Tai Pyun
Minister of Foreign Affairs

Mr. Trygve Lie
Secretary-General, United Nations,
New York, N.Y.


Whereas the Acting Minister of Foreign Affairs of the Republic of Korea on 9 August 1955 wrote to the Secretary-General advising him of the decision of his Government to offer gratis to the United Nations the ground of the Cemetery at Tanggok, near Pusan, in dedication to the ideals of the United Nations and in tribute to the services and sacrifices rendered by the United Nations soldiers in Korea, and

Whereas the General Assembly of the United Nations on 15 December 1955 adopted resolution 977 (XI) as follows:

"The General Assembly,

"Desiring to pay tribute to all those who, pursuant to the call of the United Nations, laid down their lives in resisting aggression in Korea and in upholding the cause of peace and freedom,

"Noting that, in a cemetery at Tanggok, near Pusan, in the Republic of Korea, there are the graves of nearly two thousand men who served with forces which fought under the United Nations Command,

"Noting further that up to the present time this cemetery has been cared for by the United Nations Command but that permanent arrangements have not yet been made for its maintenance,

"1. Decides that the cemetery at Tanggok, near Pusan, in the Republic of Korea, should be established and maintained as a United Nations Memorial Cemetery in Korea in honour of the dead;"

1 Came into force on 11 December 1959.
"2. Requests the Secretary-General, acting on the advice of a Committee consisting of representatives of those countries whose men still lie in graves in the cemetery:

"(a) To arrange for the negotiation of an agreement with the Republic of Korea in order to secure the permanent use of the site of the memorial cemetery;

"(b) To make all necessary arrangements for the establishment and permanent maintenance of the cemetery;

"3. Authorizes the Secretary-General to make provision in the budget of the United Nations for the allocation of the necessary funds for this purpose "; and

Whereas the National Assembly of the Republic of Korea on 17 November 1955 adopted the following resolution:

"The National Assembly,

"Expressing gratitude and paying high tribute to the United Nations Forces which fought in Korea to repel aggressors in accordance with United Nations Resolutions following the incident of 25 June 1950; and

"With a view to keeping the precious sacrifices of those who were killed in battle in everlasting memory and commemorating their distinguished services;

"Recommends that the Government propose to the United Nations General Assembly the establishment of a United Nations Cemetery in Korea as a holy place "; and

Whereas it is desired to give effect to the foregoing resolutions and to honour those who died in the service of the United Nations in Korea,

The United Nations and Republic of Korea, through their duly appointed representatives, have agreed as follows:

Article I

A United Nations Memorial Cemetery in Korea shall be established in permanent tribute to all those who, pursuant to the call of the United Nations, laid down their lives in resisting aggression in Korea and in upholding the cause of peace and freedom.

Article II

(1) The Republic of Korea grants to the United Nations in perpetuity and without charge the land at Tanggok, near Pusan, on which the Memorial Cemetery stands, and which is indicated in blue on the plat initialled "ne varietur" and annexed¹ to this Agreement. This land is more particularly described as follows:

"All that land enclosed by a line drawn from point 1 in front of the main gate of the Cemetery upon a bearing S 31° 05' 02" for a distance of 124.25 ft. to point 2; thence upon a bearing S 35° 25' 10" E for a distance of 106.98 ft. to point 3; thence upon a bearing S 31° 02' 26" E for a distance of 72.78 ft. to point 4; thence upon a bearing S 24° 29' 21" E for a distance of 125.57 ft. to point 5; thence upon a bearing S 6° 00' 10" E for a distance of 59.48 ft. to point 6; thence upon a bearing N 89° 54' 32" E for a distance

¹ Not reproduced in this volume.
of 57.18 ft. to point 7; thence upon a bearing S 38° 15' 33" E for a distance of 209.94 ft. to point 8; thence upon a bearing S 26° 29'01" E for a distance of 106.58 ft. to point 9; thence upon a bearing S 34° 55' 15" W for a distance of 19.88 ft. to point 10; thence upon a bearing S 49° 37' 02" E for a distance of 58.59 ft. to point 11; thence upon a bearing N 43° 26' 51" E for a distance of 39.15 ft. to point 12; thence upon a bearing S 57° 33' 00" E for a distance of 789.64 ft. to point 13; thence upon a bearing N 31° 18' 39" E for a distance of 1,016.20 ft. to point 14; thence upon a bearing N 56° 55' 48" W for a distance of 744.82 ft. to point 15; thence upon a bearing N 39° 57' 45" E for a distance of 81.74 ft. to point 16; thence upon a bearing S 55° 22' 20" W for a distance of 26.43 ft. to point 17; thence upon a bearing S 74° 12' 04" W for a distance of 95.64 ft. to point 18; thence upon a bearing N 61° 50' 41" W for a distance of 357.73 ft. to point 19; thence upon a bearing S 89° 32' 10" W for a distance of 367.86 ft. to point 20; thence upon a bearing S 44° 09' 35" W for a distance of 146.56 ft. to point 21; thence upon a bearing S 34° 15' 08" W for a distance of 177.53 ft. to point 22; thence upon a bearing S 54° 19' 39" W for a distance of 357.73 ft. to point 23.

(2) The Republic of Korea shall take whatever steps are necessary under its law to obtain and transfer to the United Nations full and complete title to the land described in paragraph (1) of this article, free and clear of all encumbrances and restrictions save those specifically provided in the present Agreement; and the Republic of Korea shall guarantee and defend, at its own expense, the title of the United Nations to such land against any claims or litigation of whatever nature or from whatever source.

(3) The United Nations may acquire such additional land as it may consider necessary for the purposes of the present Agreement, including the provision of residence or office accommodation. The Republic of Korea shall, if requested by the United Nations, assist in the acquisition of such land through laws and procedures available to it. The provisions of paragraph 1 of Article IV and Article IX of the present Agreement shall apply to such additional land as may be acquired pursuant to the present paragraph.

Article III

(1) The United Nations shall use the land described in Article II solely for the purpose of a Memorial Cemetery. The United Nations shall have the right to make all arrangements considered by it necessary for the establishment, maintenance, administration, and operation of a permanent cemetery on this land. These arrangements include, but are not limited to, the permanent care and maintenance of the Cemetery and the graves therein; the keeping of a registry and records; religious or commemorative ceremonies; burials, exhumations for reburial or movement, and removal of bodies to their home countries; and the installation on the land of memorials, monuments, grave markers, and all structures, boundary walls, buildings, utilities, roads and horticultural plantings as it may consider appropriate for the embellishment, maintenance, administration and operation of the Memorial Cemetery.

(2) The United Nations undertakes to maintain permanently the Memorial Cemetery in a suitable and dignified manner and enjoys the right to use and, where necessary, maintain and repair the approach road to the Memorial Cemetery from the junction of that road with the airport road east of the
village of Kodonggok and west of the village of Chigok, thence south of the village of Sokp'o and thence east to the Memorial Cemetery. Memorials, monuments, grave markers, horticultural plantings and other donations offered by States, organizations or private persons, shall be approved and accepted by the United Nations, provided that such donations are in full harmony with the general character of the Memorial Cemetery and do not detract from the uniformity of the Cemetery and its component parts. Whenever a donation is offered for any particular section of the Memorial Cemetery the United Nations shall, before taking a decision on the approval and acceptance of such donation, consult with the Member or Members of the United Nations whose men are buried in that section of the Memorial Cemetery.

(3) The Republic of Korea shall take all reasonable steps to ensure that the dignity of the Memorial Cemetery is not prejudiced by the use made of the land in the vicinity. To this end the area marked in green on the annexed plat will be restricted to agricultural, residential and other uses not prejudicial to the dignity of the Memorial Cemetery. Such area is more particularly described as follows:

“All that area enclosed by a line drawn from the junction between the airport road and the approach road to the Cemetery lying east of the village of Kodonggok and west of the village of Chigok, then following the road through Chigok south-east to a point 1,500 ft. north-west of the road junction at the north-west limits of Punp'o; thence generally south along the crest of the hills for a distance of 3,300 ft; thence due west to the Tanggok-Yongdang-ni road and along that road generally north north-west to Tangook; thence west to the Sokp'o harbour road; thence north along the road to the starting point.”

**Article IV**

(1) It is recognized that the provisions of the Convention on the Privileges and Immunities of the United Nations (hereinafter called “the Convention”) shall apply with full force and effect to the United Nations Memorial Cemetery, to the United Nations Custodian and other United Nations officials and employees, and to all relevant operations conducted in accordance with the present Agreement, except that privileges and immunities from jurisdiction shall not be claimed for locally recruited personnel:

(a) In respect of such personnel as are assigned to hourly rates;

(b) In respect of (b), (c), (d), (e), (f) and (g) referred to in Section 18, Article V of the Convention.

(2) Without in any way prejudicing or detracting from the privileges and immunities as set out in the Convention referred to in the foregoing paragraph of this article, it is understood that:

(a) While extraterritoriality shall not apply to the Memorial Cemetery, the grounds of the Cemetery shall be inviolable. National, provincial and local officers or officials of Korea, whether administrative, judicial, military or police, shall not enter the Memorial Cemetery to perform official duties except at the request or with the authorization of the United Nations Custodian. However, when a request is made by the competent authorities to enter the Memorial Cemetery for the investigation of suspected crimes,
the United Nations Custodian shall permit the entry of such officers or officials for the said purpose, unless there is a just reason for refusal;

(b) Burials in and removals from the Memorial Cemetery shall be exempt from generally applicable laws and regulations relating to hygiene and the securing of permits in connexion with the burial, exhumation for reburial or movement, and removal of bodies. However, the United Nations undertakes to ensure that such work will be conducted in a manner which will in no way constitute a danger to public health and it shall make such sanitary arrangements for this purpose as may be necessary. The United Nations shall have the right to make other regulations operative within the Memorial Cemetery which it may consider necessary for the purposes of this Agreement. Laws and regulations of the Republic of Korea which are inconsistent with a regulation authorized by this paragraph, to the extent of such inconsistency, shall not be applicable within the Memorial Cemetery;

c) The United Nations shall be permitted the use of railroads, highways, navigable waters, ports, port installations, buildings, utilities and other facilities, together with the necessary services and Korean labour to the extent required for the accomplishment of the purposes of this Agreement, subject only to payment of the established rates of compensation therefor less any direct or indirect taxes included in such rates, exemption from which shall be granted by the Republic of Korea. The United Nations may import into Korea from any country and re-export therefrom after use thereof, free of customs duties and other taxes, such equipment, supplies and materials as are necessary for the accomplishment of any of the purposes of this Agreement;

d) It is understood that the provisions relating to taxation set out in the Convention referred to in paragraph (1) of this article are to be interpreted according to the principle that there should be no increase in the cost of any materials or service to the United Nations as a result of taxes of any kind levied by the Republic of Korea by national, provincial or local governments.

Article V

(1) Visits to and the conduct to be observed by the public in the Memorial Cemetery may be made subject to conditions prescribed by the United Nations Custodian.

(2) The Republic of Korea shall permit and ensure entry into and transit across its territory for the purpose of full and undisturbed access to and exit from the Memorial Cemetery at all times for United Nations officials and employees, representatives of States whose forces served in Korea under the United Nations Command or of States which have been represented on United Nations Commissions in Korea, next of kin of men buried in the Memorial Cemetery, and other visitors authorized by the United Nations.

(3) The appropriate Korean authorities shall exercise due diligence to ensure that the tranquility of the Memorial Cemetery is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its vicinity. The Republic of Korea shall also provide such assistance as may be requested by the United Nations Custodian for the safeguard and protection of the Memorial Cemetery and the personnel and property connected therewith.
Article VI

(1) A State having forces serving under the United Nations Command in Korea may under conditions prescribed by the United Nations Custodian and subject to available space, arrange for burials in the United Nations Memorial Cemetery of any members of its forces who may die while serving under the United Nations Command in Korea. The United Nations may arrange for burial in the United Nations Memorial Cemetery of any person who may die while serving with the United Nations or any of its organs in Korea.

(2) The United Nations or, under conditions prescribed by the United Nations Custodian, a State whose men lie in graves in the Memorial Cemetery, shall have the right to exhume and remove bodies for return to their home countries.

Article VII

(1) The Secretary-General shall have the responsibility for the implementation of this Agreement on behalf of the United Nations. On important matters of policy, and particularly with respect to the plan for the Memorial Cemetery, the Secretary-General shall be advised by a United Nations Memorial Cemetery Committee consisting of representatives of those countries whose men lie buried in graves in the Memorial Cemetery.

(2) The Secretary-General shall designate a United Nations Custodian who, under the authority of the Secretary-General, shall be responsible for the maintenance and administration of the Cemetery and for liaison with the Republic of Korea. The Secretary-General may appoint or assign such other officials and consultants as may be necessary and the United Nations Custodian may employ local labour or make such contracts for labour, service, materials and supplies, as may be necessary for the maintenance and administration of the Cemetery.

(3) The Government of the Republic of Korea shall ensure the cooperation of the provincial and local governments and other authorities of the Republic of Korea, for the purpose of a full implementation of this Agreement. The Government of the Republic of Korea shall designate an official who shall be responsible on behalf of the Republic of Korea for maintaining liaison with the United Nations Custodian on all matters relating to the implementation of this Agreement.

Article VIII

Any dispute between the United Nations and the Republic of Korea concerning the interpretation or application of this Agreement which is not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a Tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one by the Government of the Republic of Korea and a third to be chosen by the two arbitrators so named. If the two arbitrators should fail to agree on the choice of a third, or if one party should fail to appoint an arbitrator, the President of the International Court of Justice may be asked by one party to appoint an arbitrator. The failure of one party to appoint an arbitrator shall not preclude the making of a binding award. If any of the arbitrators should die, resign or become unable to act before the award has been given, the vacancy
shall be filled by the method laid down in this article for the original appointment.

Article IX

(1) Should the United Nations for any reason cease to maintain the Memorial Cemetery, the title to the land shall be vested in a Memorial Cemetery Commission to be composed of one representative of the Republic of Korea and one representative of each of the other States whose men lie buried in graves in the Memorial Cemetery. In such event, the Memorial Cemetery Commission, acting by majority vote or by such other procedure as it may decide, shall have the right to appoint a Custodian to maintain and administer the Memorial Cemetery in accordance with the terms of the present Agreement and shall succeed to all rights and accept all obligations of the United Nations under the present Agreement.

(2) Should the land for any reason cease to be maintained as a Memorial Cemetery by the United Nations or by the Memorial Cemetery Commission referred to above, title shall vest in the Republic of Korea which shall permanently maintain the Cemetery in a suitable and dignified manner.

(3) Should the land cease altogether to be used as a Memorial Cemetery and all graves be removed, full and complete title shall revert to the Republic of Korea.

Article X

The use and maintenance of the Memorial Cemetery shall be regulated solely by the provisions of this Agreement and by such other provisions as may be made by the United Nations consistent with this Agreement or as may be brought into effect by supplemental agreement between the United Nations and the Republic of Korea. Amendments or revisions of this Agreement shall be made by agreement of the United Nations and the Republic of Korea.

Article XI

(1) This Agreement shall be signed by the Secretary-General on behalf of the United Nations and by a duly appointed representative of the Government of the Republic of Korea on behalf of the Republic of Korea.

(2) This Agreement shall enter into force on the date upon which the Secretary-General is notified by the Government of the Republic of Korea of the ratification of this Agreement.

Done in duplicate in the English language.

For the United Nations:
Dag Hammarskjold
at the United Nations Headquarters, New York, on this sixth day of November 1959.

For the Republic of Korea:
Chung W. Cho
at the United Nations Headquarters, New York, on this sixth day of November 1959.

Whereas Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes; and

Whereas Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes, and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization; and

Whereas the United Nations has found it essential to maintain offices in Japan, in particular for the purpose of servicing its missions in Korea and it is necessary for United Nations representatives and officials to pass through Japan en route to and from their missions in Korea; and

Whereas Japan, desiring to cooperate toward the furtherance of the cause of the United Nations, wishes to accord to the United Nations, as represented at any time in the territory of Japan by its various organs, and to the representatives of the Members of the United Nations and officials of the Organization located in or passing through Japan, those privileges and immunities which in accordance with Articles 104 and 105 of the Charter must be regarded as necessary for the exercise of the functions of the United Nations and the fulfillment of its purposes;

Now, therefore, the United Nations and Japan have agreed as follows:

Article I

(1) The United Nations shall enjoy in the territory of Japan such privileges and immunities as are defined in Articles I, II and III of the Convention on the Privileges and Immunities of the United Nations, hereinafter called "the General Convention".

(2) Privileges and immunities granted under Sections 5 and 7, Article II of the General Convention shall not extend to financial and commercial transactions going beyond the normal necessities of diplomatic missions, such, for example, as bulk purchases of relief goods in Japan by the United Nations Korean Reconstruction Agency, which would be of a commercial nature and could form the subject of special agreements between the United Nations Korean Reconstruction Agency and the competent authorities of the Japanese Government.

Article II

The following representatives of Member States exercising their official functions in Japan or passing through Japan to or from Korea and the following officials of the United Nations and its specialized agencies:

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1 Came into force on 25 July 1952, as from the date of signature, in accordance with article X.
a. Representatives of Member States serving on any United Nations missions in Korea and the members of their delegations,
b. The Secretary-General and Assistant Secretaries-General of the United Nations,
c. Representatives of organs of the United Nations,
d. The Agent General, the Deputy Agent General and other officials of the United Nations Korean Reconstruction Agency,
e. Personal representatives of the Secretary-General, Principal Secretaries and other United Nations Secretariat officials of organs of the United Nations,
f. Any further United Nations Secretariat officials, and
g. Any officials of the United Nations specialized agencies serving on any United Nations missions in Korea shall enjoy the privileges and immunities, exemptions and facilities provided for in Articles IV and V of the General Convention.

Article III

Experts (other than officials coming within the scope of Article II but including officials of voluntary agencies) performing missions for the United Nations in Japan or passing through Japan shall be accorded such privileges and immunities as are defined in Article VI of the General Convention.

Article IV

The names of representatives, officials and experts referred to in Articles II and III of this Agreement shall from time to time be communicated to the Government of Japan by the Secretary-General of the United Nations or by the heads of the organizations concerned.

Article V

The United Nations *laissez-passer* shall be recognized and accepted as a valid travel document by Japan in accordance with the provisions of Article VII of the General Convention. The holders of United Nations *laissez-passer* shall be granted facilities for speedy travel.

Article VI

The United Nations shall be accorded every facility for the use of commercial radio and wire services, including the right to direct wires from the United Nations offices to the International Telegraph Office in Tokyo, and the Government of Japan shall accord to the United Nations for its official communications a priority in accordance with the regulations annexed to the International Telecommunication Convention.

Article VII

Any dispute between the United Nations and Japan concerning the interpretation of this Agreement which is not settled by negotiation or other agreed means of settlement shall be referred for final settlement to a Tribunal of three arbitrators, one to be named by the Secretary-General, one by Japan, and the third to be chosen by the first two. If the two arbitrators
should fail to agree on the choice of a third, or if one party should fail to
appoint an arbitrator, the President of the International Court of Justice
may be asked by one party to appoint an arbitrator. The failure of one party
to appoint an arbitrator shall not preclude the making of a binding award
by the other two.

Article VIII

Nothing in this Agreement shall in any way prejudice or detract from the
privileges and immunities granted under any other agreement between the
United Nations or its various organs on the one hand and Japan on the other.

Article IX

Those articles of the General Convention which are referred to in this
Agreement are reproduced in the Annex hereto. When the term “Member”
is used in Sections 6, 8, 9, 21 and 24 of the General Convention in reference
to an acceding State, it shall be understood that for the purposes of the
present Agreement “Japan” shall be read in place of “Member”.

Article X

This Agreement shall become effective from the date of signature.

Article XI

(1) The present Agreement shall remain in force for a period of five years
as from the date of signature.

(2) Thereafter either Contracting Party shall have the right to give
notice to the other of its intention to terminate the present Agreement, and
at the expiration of six months after such notice is given this Agreement
shall cease to be in force.

Done in the English language at Tokyo on the 25th day of July, 1952.

For the United Nations:
George J. Mathieu

For Japan:
K. Okazaki

19. Agreement ² regarding the Status of the United Nations Forces
in Japan. Done at Tokyo, on 19 February 1954 ³

Whereas it is stated in the notes exchanged by Mr. Shigeru Yoshida,
Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the

¹ See articles I to VII (Sections 1 to 28), above, p. 184.
² In accordance with article XXI, the Agreement came into force on 11 June
1954, ten days after the date of its acceptance by the Government of Japan, in
respect of the following States: Australia, Canada, France, Italy, Japan, New
Zealand, Philippines, United Kingdom, United States of America.
³ It came into force subsequently for the Union of South Africa on 6 November
1954, ten days after the deposit of the instrument of acceptance and, in accordance
with article XXII, for Thailand on 22 August 1954, ten days after the deposit
of the instrument of accession.
United States of America, on September 8, 1951, that upon the coming into force of the Treaty of Peace with Japan signed at the city of San Francisco on the same day Japan will assume obligations expressed in Article 2 of the Charter of the United Nations which requires the giving to the United Nations of every assistance in any action it takes in accordance with the Charter;

Whereas in the above-mentioned notes the Government of Japan confirmed that if and when the forces of a member or members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action;

Whereas the United Nations forces still continue to be engaged in action pursuant to the Security Council Resolutions of June 25, June 27 and July 7, 1950 and the General Assembly Resolution of February 1, 1951, which called upon all States and authorities to lend every assistance to the United Nations action; and

Whereas Japan has been and is rendering important assistance in the form of facilities and services to the forces which are participating in the United Nations action in Korea;

Now, therefore, in order to define the status of, and treatment to be accorded to, such forces in Japan pending their withdrawal from its territory, the Parties to this Agreement have agreed as follows:

**Article I**

Except as otherwise provided in this Agreement, the following definitions of terms shall be adopted for the purpose of this Agreement:


(b) "Parties to this Agreement" means the Government of Japan, the Government of the United States of America acting as the Unified Command, and each Government which signs, or signs "subject to acceptance" and accepts, or accedes to, this Agreement, as the Government of a State sending forces to Korea pursuant to the United Nations Resolutions.

(c) "Sending State" means any State which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions and whose Government is a Party to this Agreement as the Government of a State sending forces to Korea pursuant to the United Nations Resolutions.

(d) "United Nations forces" means those forces of the land, sea or air armed services of the sending States which are sent to engage in action pursuant to the United Nations Resolutions.

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(e) "Members of the United Nations forces" means personnel on active duty belonging to the United Nations forces when such persons are in Japan.

(f) "Civilian component" means the civilian persons of the nationality of any sending State who are in the employ of, serving with, or accompanying the United Nations forces when such persons are in Japan, but excludes persons who are ordinarily resident in Japan.

(g) " Dependents" means the following persons, when such persons are in Japan:

(i) Spouse, and children under 21, of the members of the United Nations forces or of the civilian components;
(ii) Parents, and children over 21, of members of the United Nations forces or of the civilian components, if dependent for over half their support upon such members.

Article II

It is the duty of the United Nations forces as well as members of such forces and of the civilian components, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan. The authorities of the sending States and the Commander-in-Chief, United Nations Command, shall take appropriate measures to this end.

Article III

1. Subject to the provisions of this Article, the Government of Japan grants permission to members of the United Nations forces and of the civilian components, and their dependents to enter into and depart from Japan for the purpose of this Agreement. The United Nations Command shall appropriately notify the Government of Japan of the number of persons entering and departing, the date of entry and departure, the object of entry, and the expected duration of stay.

2. Members of the United Nations forces shall be exempt from Japanese laws and regulations on passports and visas. Members of the United Nations forces and of the civilian components, and their dependents shall be exempt from Japanese laws and regulations on registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of Japan.

3. Upon entry into and departure from Japan members of the United Nations forces shall be in possession of the following documents:

   (a) personal identity card showing name, date of birth, rank and number, service, and photograph; and
   (b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United Nations forces and to the travel ordered.

4. For purposes of their identification while in Japan, members of the United Nations forces shall be in possession of the foregoing personal identity card, which must be presented on demand of the appropriate Japanese authorities.

5. Members of the civilian components shall have their status and the organization to which they belong described in their passports. Dependents shall have their status described in their passports.
6. For purposes of their identification while in Japan, members of the civilian components and dependents shall, on demand of the appropriate Japanese authorities, present their passports within a reasonable time.

7. If the status of any person brought into Japan under this Article is altered so that he would no longer be entitled to such admission, the authorities of the sending State shall notify the Japanese authorities, and shall cause such person to leave Japan without cost to the Government of Japan as promptly as possible, unless such person be permitted to remain in Japan in accordance with the Japanese laws and regulations concerned.

8. If Japan, for good cause, has requested the removal from its territory of a member of the United Nations forces or of the civilian components, or a dependent, the authorities of the sending State concerned shall be responsible for causing the said person to leave Japan without delay.

Article IV

1. Vessels and aircraft operated by, for or under the control of the United Nations forces for the purpose of this Agreement shall be accorded access to such ports or airports as may be agreed upon by the Joint Board provided for in Article XX, free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and such cargo or passengers shall be entered according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in the preceding paragraph, official vehicles of the United Nations forces and of the civilian components, and members of such forces and of the civilian components, and their dependents, and vehicles of such persons shall be accorded access to and movement between facilities and areas in use by such forces in accordance with Article V and between such facilities and areas, and the ports or airports mentioned in the preceding paragraph.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

Article V

1. The United Nations forces may use such facilities in Japan, inclusive of existing furnishings, equipment and fixtures necessary for the operation of such facilities, as may be agreed upon through the Joint Board.

2. The United Nations forces may, with the agreement of the Government of Japan through the Joint Board, use those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America.¹

3. Within the facilities the United Nations forces shall have the rights which are necessary and appropriate for the purpose of this Agreement. All questions relating to frequencies, power and similar matters used by electric radiation apparatus employed by the United Nations forces shall be settled by mutual agreement through the Joint Board.

4. The facilities used by the United Nations forces under the terms of paragraph 1 shall be promptly returned to Japan whenever they are no longer needed, without any obligation to restore such facilities to their original condition and without compensation to or by either Party. The Parties to this Agreement may agree, through the Joint Board, on other arrangements with respect to construction or major alteration.

Article VI

The United Nations forces, members of such forces and of the civilian components, and their dependents may use public utilities and services belonging to, or controlled or regulated by the Government of Japan. In the use of such utilities and services the United Nations forces shall be accorded treatment no less favourable than that given from time to time to the ministries and agencies of the Government of Japan.

Article VII

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the sending State to a member of the United Nations forces or of the civilian components, or a dependent.
2. Official vehicles of the United Nations forces and of the civilian components shall carry a distinctive nationality mark and number.
3. Privately owned vehicles of members of the United Nations forces and of the civilian components, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

Article VIII

The United Nations forces shall have the right to establish and operate, within the facilities in use by them, military post offices for the use of members of the United Nations forces and of the civilian components, and their dependents for the transmission of mail between such military post offices in Japan and between such military post offices and other post offices established and operated outside Japan by the sending States.

Article IX

1. Non-appropriated fund organizations authorized and regulated by the United Nations forces may be established in the facilities in use by the United Nations forces for the use of members of such forces and of the civilian components and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license fees, taxes or similar controls.
2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.
3. Except as such disposal may be authorized by the Japanese authorities and the United Nations forces in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.
4. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labour relations shall be those laid down by the legislation of Japan.

5. The organizations provided for in paragraph 1 shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

6. Such organizations may use military payment scrip in their transactions with persons who are authorized to use military payment scrip as provided for in Article XI. Such organizations may not hold deposit accounts in foreign currency with foreign exchange banks in Japan unless otherwise agreed through the Joint Board.

Article X

1. Members of the United Nations forces and of the civilian components, and their dependents shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of foreign exchange instruments representing the official funds of the Governments of the sending States or realized as a result of service or employment in connection with this Agreement by members of the United Nations forces and of the civilian components, or realized by such persons and their dependents from sources outside Japan.

3. The authorities of the United Nations forces and the Governments of the sending States shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

Article XI

1. Military payment scrip may be used by persons authorized by the sending States for internal transactions within facilities in use by the sending States in accordance with the regulations of the States which issued the scrip and in whose currency it is denominated. The United Nations forces shall take appropriate action to ensure that authorized persons are prohibited from engaging in transactions involving military payment scrip except as authorized by appropriate regulations of the State which issued the military payment scrip. The Government of Japan shall take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment scrip and, with the aid of the United Nations forces if necessary, shall apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment scrip.

2. The United Nations forces shall apprehend and punish by due process of law members of the United Nations forces or of the civilian components, or their dependents who tender military payment scrip to unauthorized persons and no obligation shall be due to such unauthorized persons or to the Government of Japan or its agencies from the United Nations forces as a result of any unauthorized use of military payment scrip within Japan.
Article XII

1. The United Nations forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United Nations forces and of the civilian components, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by such forces or by the organizations provided for in Article IX. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt citizens of the sending State who for purposes of income tax of that State claim Japanese residence from payment of Japanese taxes on income.

3. Periods during which the persons referred to in the preceding paragraph are in Japan solely by reason of being members of the United Nations forces or of the civilian components, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

4. Members of the United Nations forces and of the civilian components, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer inter se, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

Article XIII

1. Except as otherwise provided in this Agreement, the United Nations forces, members of such forces and of the civilian components, and their dependents, as well as the organizations provided for in Article IX, shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United Nations forces or by the organizations provided for in Article IX exclusively for the official use of the United Nations forces or those organizations or for the use of members of the United Nations forces and of the civilian components, and their dependents shall be permitted entry into Japan free from customs duties and other such charges.

3. When the goods mentioned in the preceding paragraph are imported, a certificate signed by a person authorized for the purpose, in the form to be determined by the Joint Board, and certifying that they are being imported for the purposes stated in the preceding paragraph, shall be submitted by the United Nations forces to the customs authorities of Japan.

4. Property consigned to and for the personal use of members of the United Nations forces and of the civilian components, and their dependents shall be subject to customs duties and other such charges except that no such duties or charges shall be paid with respect to:
(a) Furniture and household goods for their private use imported by members of the United Nations forces or of the civilian components when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or of the civilian components, and personal effects for private use brought by the said persons upon entrance.

(b) Motor vehicles and spare parts imported by a member of the United Nations forces or of the civilian components for the private use of himself or his dependents.

(c) Reasonable quantities of clothing and household goods which are mailed into Japan through military post offices for the private use of members of the United Nations forces and of the civilian components, and their dependents, provided that such clothing and household goods are those of a type which would ordinarily be purchased in the sending State to which such persons belong for everyday use.

5. The exemptions granted in paragraphs 2 and 4 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

6. Customs examination shall not be made in the following cases:

(a) Units and members of the United Nations forces under orders entering or leaving Japan;

(b) Official documents under official seal;

(c) Military cargo shipped on a government bill of lading, and mail in military postal channels.

7. Except as authorized by the authorities of Japan and of the United Nations forces in accordance with mutually agreed conditions, goods imported into Japan free from customs duties and other such charges under this Agreement shall not be disposed of in Japan to persons not entitled to import such goods free from customs duties and other such charges under this Agreement.

8. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 4 may be re-exported free from customs duties and other such charges.

9. The United Nations forces, in cooperation with the Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United Nations forces, members of such forces and of the civilian components, and their dependents in accordance with this Article.

10. (a) In order to prevent offences against laws and regulations administered by the Japanese customs authorities, the Japanese authorities and the United Nations forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United Nations forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the Japanese customs authorities are handed to those authorities.

(c) The United Nations forces shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of such forces or of the civilian components, or their dependents.
Any property belonging to the United Nations forces seized by the Japanese customs authorities in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the forces to which such property belongs.

Article XIV

1. Materials, supplies, equipment and services which are required from local sources for the support of the United Nations forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

2. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labour by or for the United Nations forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Board for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a suit.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United Nations forces, or by authorized procurement agencies of the United Nations forces upon appropriate certification by the authorities of such forces shall be exempt from the following Japanese taxes:

(a) Commodity tax;
(b) Travelling tax;
(c) Gasoline tax;
(d) Electricity and gas tax.

Materials, supplies, equipment and services procured for ultimate use by the United Nations forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United Nations forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and really identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United Nations forces, Japan and the United Nations forces will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Except as such disposal may be authorized by the Japanese authorities and the United Nations forces in accordance with mutually agreed conditions, goods purchased in Japan exempt from taxes referred to in the preceding paragraph shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such taxes.

5. Neither members of the United Nations forces or of the civilian components nor their dependents shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

6. Local labour requirements of the United Nations forces shall be satisfied with the assistance of the Japanese authorities.

7. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as
those relating to wages and supplementary payments, the conditions for
the protection of workers, and the rights of workers concerning labour
relations shall be those laid down by the legislation of Japan.

Article XV

The United Nations forces shall bear for the duration of this Agreement
without cost to Japan all expenditures incident to the maintenance of such
forces in Japan except that facilities, owned by the Government of Japan,
the use of which is made available to such forces by the Government of
Japan, shall be furnished by Japan free from rentals and other such charges.

Article XVI

1. Subject to the provisions of this Article,

(a) The military authorities of the sending State shall have the right to
exercise within Japan all criminal and disciplinary jurisdiction conferred
on them by the law of the sending State over all persons subject to the military
law of that State;

(b) The authorities of Japan shall have jurisdiction over members of the
United Nations forces or of the civilian components, and their dependents
with respect to offences committed within the territory of Japan and punish-
able by the law of Japan.

2. (a) The military authorities of the sending State shall have the right
to exercise exclusive jurisdiction over persons subject to the military law
of that State with respect to offences, including offences relating to its
security, punishable by the law of that sending State, but not by the law of
Japan.

(b) The authorities of Japan shall have the right to exercise exclusive
jurisdiction over members of the United Nations forces or of the civilian components, and their dependents with respect to offences relating to the security of Japan, punishable by its law but not by the law of the sending State concerned.

(c) For the purposes of this paragraph and of paragraph 3 of this Article
a security offence against a State shall include

(i) Treason against the State;

(ii) Sabotage, espionage or violation of any law relating to official
secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the
following rules shall apply:

(a) The military authorities of the sending State shall have the primary
right to exercise jurisdiction over a member of the United Nations forces or
of the civilian component in relation to:

(i) Offences solely against the property or security of that State, or
offences solely against the person or property of another member of the
force of that State or of the civilian component, or a dependent;

(ii) Offences arising out of any act or omission done in the perform-
ance of official duty.

(b) In the case of any other offence the authorities of Japan shall have
the primary right to exercise jurisdiction.
(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the force of that sending State.

5. (a) The authorities of Japan and the military authorities of the sending States shall assist each other in the arrest of members of the United Nations forces or of the civilian components, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the sending State of the arrest of any member of the force of that sending State or of the civilian component, or a dependent.

(c) The custody of an accused member of the force of a sending State or of the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of that sending State, remain with that State until he is charged by Japan.

6. (a) The authorities of Japan and the military authorities of the sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of Japan and the military authorities of the sending State shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the sending State if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the sending State under the provisions of this Article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this Article either by the authorities of Japan or by the military authorities of a sending State and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the territory of Japan by the authorities of another State the Government of which is a Party to this Agreement. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of Japan.
9. Whenever a member of the United Nations forces or of the civilian components, or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

(a) To a prompt and speedy trial;
(b) To be informed, in advance of trial, of the specific charge or charges made against him;
(c) To be confronted with the witnesses against him;
(d) To have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Japan;
(e) To have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;
(f) If he considers it necessary, to have the services of a competent interpreter; and
(g) To communicate with a representative of the Government of the sending State and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United Nations forces shall have the right to police any United Nations forces facilities. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities.

(b) Outside these facilities, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United Nations forces.

11. If the provisions of Article XVII of the Administrative Agreement between the Government of Japan and the Government of the United States of America, signed at Tokyo on February 28, 1952, as amended by the Protocol signed at Tokyo on September 29, 1953 are further amended, Parties to this Agreement shall, after consultation, make similar amendments to the corresponding provisions of this Article, provided the forces of the sending State concerned are under circumstances similar to those giving rise to such further amendment.

12. The Protocol on the Exercise of Criminal Jurisdiction over United Nations Forces in Japan, signed at Tokyo on October 26, 1953, and the Annex thereto shall cease to be in force between the Government of Japan and any other Party to this Agreement which has signed the said Protocol as of the date of the entry into force of this Agreement with respect to such Party.

Article XVII

The Parties to this Agreement will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United Nations forces, members of such forces and of the civilian components, their dependents, and their property. The Government of Japan shall seek such legislation and

2 Ibid., Vol. 207, p. 237.
take such other action as it deems necessary to ensure the adequate security and protection within the territory of Japan of installations, equipment, property, records and official information of the United Nations forces, and for the punishment of offenders under the applicable laws of Japan.

Article XVIII

1. Each Party to this Agreement waives all its claims against any other Party to this Agreement for injury or death suffered in Japan by a member of the forces of, or a civilian governmental employee of the former Party, while such member or employee was engaged in the performance of his official duties, in cases where such injury or death was caused by a member of the forces of, or a civilian governmental employee of the other Party in the performance of his official duties.

2. Each Party to this Agreement waives all its claims against any other Party to this Agreement for damage to any property in Japan owned by it, if such damage was caused by a member of the forces of, or a civilian governmental employee of the other Party in the performance of his official duties.

3. Claims, other than contractual, arising out of acts or omissions of members or employees of the United Nations forces done in the performance of their official duties, or out of any other act, omission or occurrence for which the United Nations forces are legally responsible, arising incident to non-combat activities and causing injury, death or property damage in Japan to third parties shall be dealt with by Japan in accordance with the following provisions:
   (a) Claims shall be filed within one year from the date on which they arise, and shall be considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its own employees.
   (b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.
   (c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive.
   (d) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared by the Parties to this Agreement as follows:
      (i) Where one sending State alone is responsible, the amount agreed upon or adjudged shall be shared in the proportion of 75% chargeable to the sending State and 25% chargeable to Japan.
      (ii) Where more than one sending State is jointly responsible, the amount agreed upon or adjudged shall be shared in such proportion that the shares of the sending States concerned shall be equal among themselves and the share of Japan shall be one half of that of one of such sending States.
      (iii) Where the injury, death or property damage was caused by the United Nations forces of more than one sending State and it is not possible to attribute it specifically to any of the United Nations forces, all of the sending States concerned shall be regarded as responsible for the cause of such injury, death or property damage and the provisions of item (ii) above shall apply thereto.
In accordance with procedures to be established, a statement of all claims approved or disapproved by Japan pursuant to this paragraph, the findings in each case, and a statement of the sums paid by Japan, shall be sent periodically to the sending State concerned, together with a request for reimbursement of the share to be paid by such sending State. Such reimbursement shall be made in yen within the shortest possible period of time.

4. Each Party to this Agreement shall have the primary right, in the execution of the foregoing paragraphs, to determine whether its personnel were engaged in the performance of official duty. Such determination shall be made as soon as possible after the arising of the claim concerned. When any other Party concerned disagrees with the results of such determination, that Party may bring the matter before the Joint Board for consultation.

5. Claims against members or employees of the United Nations forces arising out of tortious acts or omissions in Japan not done in the performance of their official duties shall be dealt with in the following manner:

(a) The Japanese authorities shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the authorities of the sending State concerned, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the Japanese authorities of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or employee of the United Nations forces unless and until there has been payment in full satisfaction of the claim.

6. (a) Members and employees of the United Nations forces, excluding those employees who have only Japanese nationality, shall not be subject to suit in Japan with respect to claims specified in paragraph 3, but shall be subject to the civil jurisdiction of Japanese courts with respect to all other types of cases.

(b) In case any private movable property, excluding that in use by the United Nations forces, which is subject to compulsory execution under Japanese law, is within the facilities in use by the United Nations forces, the authorities of the sending State concerned shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities. In the case of a sending State the forces of which have no legal authority to take such action, the authorities of that State shall allow the appropriate Japanese authorities to take possession of such property in accordance with Japanese law.

(c) The authorities of every sending State shall cooperate with the Japanese authorities in making available witnesses and evidence for a fair hearing and disposal of claims under the provisions of this Article.
Article XIX

The Parties to this Agreement shall as promptly as possible take legislative, budgetary and other measures necessary for the implementation of this Agreement.

Article XX

1. A Joint Board shall be established in Tokyo as the means for consultation and agreement between the Government of Japan and the other Parties to this Agreement on matters relating to the interpretation and implementation of this Agreement.

2. The Joint Board shall be composed of two representatives, one representing the Government of Japan and the other representing the other Parties to this Agreement, each of whom shall have one or more deputies and a staff. The Joint Board shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Board shall be so organized that it may meet at any time at the request of either representative.

3. If the Joint Board is unable to reach agreement on any matter, it shall be settled through inter-governmental negotiations.

Article XXI

1. This Agreement shall be signed by the Government of Japan and the Government of the United States of America acting as the Unified Command, and may be signed by the Government of any State which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions. After its first signature and until its first entry into force this Agreement shall be open, subject to the consent of the Government of Japan, for signature by the Government of any other such State.

2. Ten days after the date on which the Government of Japan accepts this Agreement, it shall enter into force for the Government of Japan and for each other Government which, on or before the date of acceptance by the Government of Japan, signs, or signs "subject to acceptance" and accepts, this Agreement. For each Government which signs, or accepts, or signs "subject to acceptance" and accepts, this Agreement after the date of acceptance by the Government of Japan, it shall enter into force ten days after the date on which that Government signs, or having signed "subject to acceptance" accepts, this Agreement.

3. The acceptance of this Agreement shall be made by depositing an instrument of acceptance with the Government of Japan. The Government of Japan shall notify each Government which is a Party to this Agreement, of the date of each signature and of deposit of each instrument of acceptance, if any.

4. The provisions of this Agreement, except those of Article XVI and those which are per se incapable of retroaction, shall be operative retroactively to April 28, 1952 for the Government of Japan and for each other Government which, on or within six months after the date of first signature of this Agreement, signs, or signs "subject to acceptance" and accepts, this Agreement.
Article XXII

1. After the first entry into force of this Agreement in accordance with paragraph 2 of Article XXI, the Government of any State not signatory to this Agreement which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions, may, subject to the consent of the Government of Japan, accede to this Agreement by depositing its instrument of accession with the Government of Japan.

2. The Government of Japan shall notify each Government which is a Party to this Agreement, of the date of deposit of each instrument of accession.

3. This Agreement shall enter into force for each acceding Government ten days after the date of deposit of its instrument of accession.

4. The provisions of this Agreement, except those of Article XVI and those which are per se incapable or retroaction, shall be operative retroactively to April 28, 1952 for each acceding Government which deposits its instrument of accession within six months after the date of first signature of this Agreement.

Article XXIII

1. Any Party to this Agreement may at any time request a revision of any Article. Upon such request the Government of Japan and the Government of the United States of America acting as the Unified Command, in consultation with and on behalf of the sending States concerned, shall enter into negotiations.

2. If any provisions of the Administrative Agreement between the Government of Japan and the Government of the United States of America, signed at Tokyo on February 28, 1952, as amended by the Protocol signed at Tokyo on September 29, 1953 are revised, the Government of Japan and the Government of the United States of America acting as the Unified Command, in consultation with and on behalf of the sending States, shall, except as provided in paragraph 11 of Article XVI, enter into negotiations with a view to agreeing on similar revision of the corresponding provisions of this Agreement.

Article XXIV

All the United Nations forces shall be withdrawn from Japan within ninety days after the date by which all the United Nations forces shall have been withdrawn from Korea. The Parties to this Agreement may agree upon an earlier date by which all the United Nations forces shall be withdrawn from Japan.

Article XXV

This Agreement and agreed revisions thereof shall terminate on the date by which all the United Nations forces shall be withdrawn from Japan in accordance with the provisions of Article XXIV. In case all the United Nations forces have been withdrawn from Japan earlier than such date, this Agreement and agreed revisions thereof shall terminate on the date when the withdrawal has been completed.

In witness whereof the undersigned, being duly authorized by their respective Governments for the purpose, have signed this Agreement.
Done at Tokyo this nineteenth day of February, 1954 in the Japanese and English languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of Japan. The Government of Japan shall transmit certified copies thereof to all the signatory and acceding Governments.

For the Government of Japan:
Katsuo Okazaki

For the Government of the United States of America acting as the Unified Command:
J. Graham Parsons

Governments of States sending forces to Korea pursuant to the United Nations resolutions

For the Government of Canada:
R. W. Mayhew
Subject to acceptance

For the Government of New Zealand:
R. M. Miller
Subject to acceptance

For the Government of the United Kingdom of Great Britain and Northern Ireland:
Esler Dening

For the Government of the Union of South Africa:
Esler Dening
Subject to acceptance

For the Government of the Commonwealth of Australia:
E. Ronald Walker

For the Government of the Republic of the Philippines:
José F. Imperial

For the Government of the Republic of France:
Daniel Lévi
12 avril 1954

For the Government of Italy:
B. L. d' Ajeta
May 19th 54

AGREED OFFICIAL MINUTES RELATING TO THE AGREEMENT REGARDING THE STATUS OF THE UNITED NATIONS FORCES IN JAPAN

Re Article I:

1. For the purpose of this Agreement the Government of the United States of America acts only in the capacity of "the Government of the United States of America acting as the Unified Command". The status of
the United States armed forces in Japan is defined by arrangements made pursuant to the Security Treaty between Japan and the United States of America, signed at the city of San Francisco on September 8, 1951.

2. Regarding the treatment of members of civilian component having dual nationality, the precedents established by practices under the Administrative Agreement between the Government of Japan and the Government of the United States of America shall be followed in the application of this Agreement.

3. The scope of persons who are to come under the definition of "civilian component" shall be determined by the Joint Board in the light of the precedents established under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

4. If the number of dependents brought to Japan shows a substantial increase over the number of such dependents at the time this Agreement enters into force, the Parties to this Agreement shall consult on the question of dependents.

Re Article III:

1. Details of contents and procedures of appropriate notification as provided for in paragraph 1 shall be determined by the Joint Board.

2. If the identity card held on arrival does not contain a photograph, this omission shall not bar entry. In such case, however, an identity card with photograph shall be issued within a period to be determined by the Joint Board, except in cases of short stay. The definition of short stay shall be determined by the Joint Board. In addition to the identity card used upon entry an identity card for use in Japan shall be issued with such contents and in such form as shall be determined by the Joint Board.

3. The status of a dependent, which shall be described in the passport as provided in paragraph 5, means the relation to and the name and status of the member of the United Nations forces or of the civilian components on whom such dependent is dependent.

4. With regard to paragraph 8, if there should be any disagreement as to whether or not "good cause" exists, the Joint Board shall decide.

5. Press representatives of non-Japanese nationality accredited to the United Nations Command will be granted Multiple Re-entry Permits in the case of their outgoing and incoming trips between Japan and Korea during the period subsequent to their first entry into and prior to their final exit from Japan, provided that they are in possession of passports duly issued by the competent authorities of the United Nations forces. A list of such press representatives who stay in Japan for a period exceeding sixty days shall be furnished monthly to the Government of Japan. The details of the list shall be determined by the Joint Board.

Re Article IV:

1. Vessels operated by, for, or under control of the United Nations forces for the purpose of this Agreement mean public vessels and chartered vessels (bare boat charter, voyage charter and time charter) of the United Nations forces. Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases. The term "toll" includes tonnage dues.
2. With regard to paragraph 2, the vessels and aircraft mentioned in paragraph 1, official vehicles of the United Nations forces and of the civilian components, and members of such forces and of the civilian components and their dependents, and vehicles of such persons may also have access to all the other facilities and areas provided to the United States of America under the Security Treaty between Japan and the United States of America, subject to such conditions as may be determined by mutual agreement through the Joint Board.

3. "Appropriate notification" in paragraph 3 means, under normal conditions, notification prior to entry. In cases of emergency or where security is involved, notification may be given subsequently to entry.

Re Article V:

1. Facilities to be made available by the Government of Japan for the use of the United Nations forces in Japan will be limited to the minimum required to provide adequate logistic support to the United Nations forces in Korea. In the designation of such facilities due regard will be paid to the economic and social life of Japan.

2. The term "facilities" shall include training areas when the United Nations forces require such areas.

3. The scope of "existing furnishings, equipment and fixtures" referred to in paragraph 1 shall be similar to that to be determined under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

4. Paragraph 3, which provides "within the facilities the United Nations forces shall have the rights which are necessary and appropriate for the purpose of this Agreement.", means that the United Nations forces shall have the rights to use, operate, safeguard and control the facilities in use by them.

5. The United Nations forces may place or establish lights and other aids to navigation of vessels and aircraft in the facilities in their use and, in case of urgent need, in territorial waters in the vicinity thereof in conformity with the system in use in Japan. The Japanese and the United Nations forces authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

6. In connection with the use of electric radiation apparatus employed by the United Nations forces, the United Nations forces shall as a temporary measure be entitled to use, without radiation interference from Japanese sources, electronic devices of such power, design, type of emission, and frequencies as are reserved for such forces at the time this Agreement enters into force.

7. The provisions of paragraph 4 concerning the obligation of restoration and compensation shall not prejudice in any way the terms of arrangements or contracts relating to privately owned property.

Re Article IX:

1. The provisions of paragraph 4 shall not apply to employees who are members of the civilian components.
2. With regard to paragraph 6, in the case of such United Nations forces as are permitted to use United States Military Payment Certificates in accordance with paragraph 3 of the Agreed Official Minutes regarding Article XI and are permitted to use the facilities and areas of the United States armed forces under Article V, members of such forces and of the civilian components, and their dependents are allowed to make use of the United States armed forces organization provided for in Article XV of the Administrative Agreement between the Government of Japan and the Government of the United States of America.

Re Article X:

1. Payment in Japan by the United Nations forces, members of such forces and of the civilian components, and their dependents to persons other than members of the United Nations forces and of the civilian components, and their dependents shall be effected in yen and in accordance with Japanese foreign exchange control laws and regulations.

2. Procurement to be made in yen converted from foreign currency shall be effected in coordination with the Japanese regulations applicable to exports to the respective foreign currency areas, the implementation of which will be as agreed upon by the Joint Board.

3. Except as otherwise provided, the yen funds necessary for the payment mentioned in paragraph 1 above shall be acquired in accordance with the following conditions:

   (a) The acquisition of the yen funds shall be made in coordination with payments agreements from time to time in force between Japan and the sending State concerned unless otherwise agreed by the Joint Board. In this case the exchange rates of United States dollar and pound sterling for yen shall be the official basic rates.

   (b) In case the Government of Japan has agreed to the re-purchase of the yen funds acquired by the United Nations forces by the sale of foreign currency to the Foreign Exchange Fund Special Account of the Government of Japan, the official basic rate of the foreign currency for yen shall be used.

4. The disposal in Japan of materials, supplies or equipment imported into Japan free from customs duties or other such charges, or procured in Japan free from commodity tax or other such charges, other than transfers between sending States, shall be settled in yen unless otherwise agreed by the Joint Board.

5. The yen funds acquired by the disposal referred to in paragraph 4 above shall not be converted into foreign currency, unless otherwise agreed at the time of disposal between the authorities of the Government of Japan and of the United Nations forces concerned.

6. The transactions in Japan of members of the United Nations forces and of the civilian components, and their dependents with persons other than members of the United Nations forces and of the civilian components, and their dependents, shall be settled in yen.

7. The remittance by members of the United Nations forces and of the civilian components, and their dependents from foreign countries to Japan or vice versa shall be made under procedures as agreed upon through the Joint Board.
8. Nothing in this Agreement shall be construed to prevent the United Nations forces from utilizing yen lawfully acquired by them for the defrayment of expenses which are to be borne by them under this Agreement.

9. The term "the official funds of the Governments of the sending States" used in paragraph 2 shall be interpreted to include the official funds of the organizations provided for in Article IX.

Re Article XI:

1. In paragraph 1 the term "facilities" shall include facilities and areas made available for use by the United Nations forces in accordance with the provisions of paragraph 2 of Article V.

2. Military payment scrip as referred to in this Article means United States Military Payment Certificates and British Armed Forces Special Vouchers.

3. In principle the forces of the British Commonwealth (except Canadian forces), as well as members of the said forces and of the civilian components thereof, and their dependents, are authorized to use British Armed Forces Special Vouchers and all other United Nations forces including Canadian forces as well as members of the said forces and of the civilian components thereof, and their dependents are authorized to use United States Military Payment Certificates within the facilities and areas in use respectively by them. Exception to this principle will be authorized only to the extent necessary to the effective accomplishment of their mission. Regulations pertaining to the use of United States Military Payment Certificates and British Armed Forces Special Vouchers shall be reported to the Government of Japan through the Joint Board.

4. The monthly reports rendered by the military authorities of the United States of America to the Ministry of Finance of Japan concerning the conversion of United States Military Payment Certificates into yen shall include those conversions by the United Nations forces as well as members of such force and of the civilian components, and their dependents.

Re Article XII:

With regard to paragraph 2, income payable in Japan as a result of service with or employment by the United Nations forces or by the organizations provided for in Article IX shall not be treated or considered as income derived from Japanese sources.

Re Article XIII:

1. The United Nations forces, members of such forces and of the civilian components, and their dependents, as well as the organizations provided for in Article IX, shall be subject to quarantine laws and regulations of Japan on persons, animals, plants, and animal and plant products. Details of implementation thereof shall be determined by the Joint Board.

2. With regard to the import of motor vehicles and spare parts under paragraph 4 (b), the precedents established by practices under the Administrative Agreement between the Government of Japan and the Government of the United States of America shall be followed.

3. The disposal of goods referred to in paragraph 7 shall be governed by the same rules as those in practice under the Administrative Agreement

Re Article XIV:

1. With regard to the procurement of materials, supplies, equipment and services, the United Nations forces authorities shall have the right to contract with any person or organization for any supplies or construction work to be furnished or undertaken in Japan for the purpose of this Agreement. Upon request and after consultation through the Joint Board, appropriate information on procurement in Japan by the United Nations forces including names of contractors and contents of contracts shall be furnished to the Government of Japan. Procurement contracts shall be made with due consideration to the prevention of difficulties which may arise out of differences in economic laws and business practices between Japan and the sending States. The Joint Board shall study this matter.

2. (a) With regard to labour procurement, it has been decided that as a matter of local practice there should, to the maximum possible extent, be substantial equality of treatment on wages, allowances and conditions of service for Japanese workers of the United States armed forces and the United Nations forces in Japan. It has also been decided that the systems of local labour procurement should be similar to those in practice with regard to Japanese workers of the United States armed forces.

(b) The details of the application of these decisions shall be determined by the Joint Board. If any change is made in the treatment of Japanese workers of either the United States armed forces or the United Nations forces after signature of, signature "subject to acceptance" and acceptance of, or accession to, this Agreement, a corresponding change in the treatment of Japanese workers of the other forces will be made only when the Government or Governments of the other State or States concerned agree to such corresponding change.

3. Members of the civilian components shall not be subject to Japanese laws and regulations with respect to the terms and conditions of employment.

Re Article XVI:

1. Re paragraph 1 (a) and paragraph 2 (a):

The scope of persons subject to the military law of the sending States shall be communicated, through the Joint Board, to the Government of Japan by the Governments of the sending States.

2. Re paragraph 2 (c):

The Governments of the sending States shall inform the Government of Japan and the Government of Japan shall inform the Governments of the sending States of the details of all the security offences mentioned in this subparagraph and the provisions governing such offences in the existing laws of their respective countries.

3. Re paragraph 3 (a) (ii):

Where a member of the United Nations forces or of the civilian components is charged with an offence, a certificate issued by or on behalf of his commanding officer stating that the alleged offence, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any
judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

4. Re paragraph 3 (c):

(a) Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Board. These procedures shall be similar to those adopted by the Joint Committee under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

(b) Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offences described in paragraph 3 (a) (ii) committed against the State or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offences are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

5. Re paragraph 4:

Persons with the dual nationality of Japan and a sending State who are subject to the military law of the sending State and who have been brought to Japan by the sending State shall not be considered as nationals of Japan, but shall be considered as nationals of the sending State for the purpose of this paragraph.

6. Re paragraph 5:

(a) In case the Japanese authorities have arrested an offender who is a member of the United Nations forces or of the civilian components, or a dependent subject to the military law of the sending State with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the military authorities of the sending State provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The authorities of the sending State shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

(b) The military authorities of the sending State shall promptly notify the Japanese authorities of the arrest of any member of the United Nations forces, or of the civilian components or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

7. Re paragraph 9:

(a) The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Constitution of Japan. In addition to these rights, a member of the United Nations forces or of the civilian components, or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Constitution of Japan:
(i) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;

(ii) He shall enjoy the right to a public trial by an impartial tribunal;

(iii) He shall not be compelled to testify against himself;

(iv) He shall be permitted full opportunity to examine all witnesses;

(v) No cruel punishments shall be imposed upon him.

(b) The authorities of the sending State shall have the right upon request to have access at any time to members of the force of that State or of the civilian component, or their dependents who are confined or detained under Japanese authority.

(c) Nothing in the provisions of paragraph 9 (g) concerning the presence of a representative of the Government of the sending State at the trial of a member of the force of that State or of the civilian component, or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Constitution of Japan with respect to public trials.

8. Re paragraphs 10 (a) and 10 (b):

(a) The military authorities of the United Nations forces will normally make all arrests within facilities in use by and guarded under the authority of the United Nations forces. This shall not preclude the Japanese authorities from making arrests within facilities in cases where the competent authorities of the United Nations forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the United Nations forces are within facilities in use by the United Nations forces, the military authorities of the United Nations forces will undertake, upon request, to arrest such persons. All persons arrested by the military authorities of the United Nations forces, who are not subject to the jurisdiction of the United Nations forces, shall immediately be turned over to the Japanese authorities.

The military authorities of the United Nations forces may, under due process of law, arrest in the vicinity of a facility any person in the commission or attempted commission of an offence against the security of that facility. Any such person not subject to the jurisdiction of the United Nations forces shall immediately be turned over to the Japanese authorities.

(b) The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities in use by and guarded under the authority of the United Nations forces or with respect to property of the United Nations forces wherever situated, except in cases where the competent authorities of the United Nations forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities in use by the United Nations forces or with respect to property of the United Nations forces in Japan is desired by the Japanese authorities, the military authorities of the United Nations forces will undertake, upon request, to make such search, seizure, or inspection. In the event
of a judgment concerning such property, except property owned or utilized by the Government of a sending State or its instrumentalities, the authorities of the sending State concerned will turn over such property to the Japanese authorities for disposition in accordance with the judgment. In either of the cases mentioned in the two foregoing sentences, if the forces of the sending State have no legal authority to take such action, the authorities of that State shall allow the appropriate Japanese authorities to take such action in accordance with Japanese law.

9. Re application of this Article:

The provisions of this Article shall not apply to any offences committed by members of the United Nations forces or of the civilian components, or their dependents, whose Government is a Party to this Agreement, before the entry into force of this Agreement for that Party. With respect to those Parties to this Agreement which have also signed the Protocol on the Exercise of Criminal Jurisdiction over United Nations Forces in Japan, signed at Tokyo on October 26, 1953, such offences shall be dealt with in accordance with the provisions of the said Protocol and the Annex thereto as these were in force prior to the entry into force of this Agreement.

10. Re implementation of this Article:

The implementation of this Article and these Minutes shall be similar to the implementation of the Protocol and the Agreed Official Minutes of September 29, 1953 between the Government of Japan and the Government of the United States of America.

Re Article XVIII:

1. In cases where the provisions of paragraph 3 apply, by virtue of paragraph 4 of Article XXI or paragraph 4 of Article XXII, to claims which may have arisen before the entry into force of this Agreement with respect to Japan and the sending State or States concerned, such claims shall be filed within one year from the date of the entry into force of this Agreement between Japan and the said sending State or States, irrespective of the provisions of paragraph 3 (a).

2. The Joint Board shall determine the scope of the term “third parties” so as to correspond to the scope of the same term under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

Re Article XXIII:

The Government of the United States of America acting as the United Command shall act on behalf of a sending State only with the prior consent of such State.

Re Article XXIV:

1. If the removal of materials, supplies and equipment of the United Nations forces should not, because of unavoidable circumstances, be completed within the ninety days specified in this Article, the minimum number of such forces required for the completion thereof may stay in Japan, after consultation with the Government of Japan through the Joint Board, for a further period of time not exceeding ninety days.
2. In addition to the extension of stay referred to in paragraph 1 above, the Government of Japan would give sympathetic consideration to a request for such further extension of the period of their stay as may be necessitated by unavoidable circumstances. Such further extension shall not, in any event, exceed ninety days.

Tokyo, February 19, 1954.

Minister for Foreign Affairs of Japan:

Katsuo Okazaki

Chargé d’Affaires ad interim of the United States of America in Japan:

J. Graham Parsons

Ambassador Extraordinary and Plenipotentiary of Canada to Japan:

R. W. Mayhew

Chargé d’Affaires ad interim of New Zealand in Japan:

R. M. Miller

Ambassador Extraordinary and Plenipotentiary of the United Kingdom of Great Britain and Northern Ireland to Japan:

Esler Dening

Representative in Japan of the Interests of the Government of the Union of South Africa:

Esler Dening

Ambassador Extraordinary and Plenipotentiary of the Commonwealth of Australia to Japan:

E. Ronald Walker

Minister, Chief of the Philippine Mission in Japan:

José F. Imperial

Ambassador Extraordinary and Plenipotentiary of the French Republic to Japan:

Daniel Lévi

12 avril 1954

Ambassador Extraordinary and Plenipotentiary of Italy to Japan:

B. L. d’Ajeta

May 19th 54

PROTOCOL ¹ FOR THE PROVISIONAL IMPLEMENTATION OF THE AGREEMENT REGARDING THE STATUS OF THE UNITED NATIONS FORCES IN JAPAN. DONE AT TOKYO, ON 19 FEBRUARY 1954

The Signatory Governments to the Agreement regarding the Status of the United Nations Forces in Japan, signed at Tokyo on February 19, 1954,

¹ In accordance with its provisions, the Protocol came into force by signature in respect of the following States on the dates indicated:

Australia . 19 February 1954 New Zealand . . . . . . 19 February 1954
Canada . 19 February 1954 Philippines . . . . . . 19 February 1954
France . . . . . . 12 April 1954 Union of South Africa . 19 February 1954
Italy . . . . . . 19 May 1954 United Kingdom . . . . 19 February 1954
Japan . . . . . . 19 February 1954 United States of America 19 February 1954
Have agreed as follows:

Each Signatory Government to the Agreement regarding the Status of the United Nations Forces in Japan, signed at Tokyo on February 19, 1954, shall, pending the entry into force of the Agreement for that Government, take provisional measures within its power under existing laws to implement the purposes of the Agreement as much as practicable.

This Protocol shall enter into force for each Signatory Government on the date of its signature.

In witness whereof the undersigned, being duly authorized by their respective Governments for the purpose, have signed this Protocol.

Done at Tokyo this nineteenth day of February, 1954 in the Japanese and English languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of Japan. The Government of Japan shall transmit certified copies thereof to all the Signatory Governments.

For the Government of Japan:
Katsuo Okazaki

For the Government of the United States of America acting as the Unified Command:
J. Graham Parsons

Governments of States sending forces to Korea pursuant to the United Nations resolutions

For the Government of Canada:
R. W. Mayhew

For the Government of New Zealand:
R. M. Miller

For the Government of the United Kingdom of Great Britain and Northern Ireland:
Esler Denning

For the Government of the Union of South Africa:
Esler Denning

For the Government of the Commonwealth of Australia:
E. Ronald Walker

For the Government of the Republic of the Philippines:
José F. Imperial

For the Government of the Republic of France:
Daniel Lévi
12 avril 1954

For the Government of Italy:
B. L. d'Ajeta
May 19th 54

New York, 8 February 1957

I

UNITED NATIONS HEADQUARTERS

New York, 8 February 1957

Sir,

I have the honour to refer to the United Nations Emergency Force, an organ of the General Assembly of the United Nations established in accordance with Article 22 of the Charter. I have also the honour to refer to Article 105 of the Charter of the United Nations which provides that the Organization shall enjoy in the territory of its Members such privileges and immunities as are necessary for the fulfilment of its purposes, to the Convention on the Privileges and Immunities of the United Nations \(^2\) to which Egypt acceded on 17 September 1948, and to the resolutions of the General Assembly providing for the United Nations Emergency Force. Having in view the provisions of the Convention on the Privileges and Immunities of the United Nations, I wish to propose that the United Nations and Egypt should make the following \textit{ad hoc} arrangements defining certain of the conditions necessary for the effective discharge of the functions of the United Nations Emergency Force while it remains in Egypt.

DEFINITIONS

1. The "United Nations Emergency Force" (hereinafter referred to as "the Force") consists of the United Nations Command established by General Assembly resolution 1000 (ES-I) of 5 November 1956 and all military personnel placed under the United Nations Command by a State Member of the United Nations. For the purpose of these arrangements the term "member of the Force" refers to any person, other than a person resident in Egypt, belonging to the military service of a State serving under the Commander of the United Nations Emergency Force either on the United Nations Command (Headquarters Staff) or with a national contingent; to any civilian placed under the Commander by the State to which such civilian belongs.

2. The "Commander" includes the Commander of the United Nations Emergency Force and other authorities of the Force designated by him.

\(^1\) Deemed to have taken effect as from 12 November 1956, the date of the arrival of the first element of the Force in Egypt, in accordance with paragraph 44 of the Agreement. At the 659th plenary meeting, held on 22 February 1957, the General Assembly adopted the following resolution [1126 (XI)]:

"The General Assembly,

"Bearing in mind its resolutions 1000 (ES-I) and 1001 (ES-I) of 5 and 7 November 1956 concerning the United Nations Emergency Force,

"Having received the report of the Secretary-General of 8 February 1957 on arrangements concerning the status of the United Nations Emergency Force in Egypt (A/3526),

"Notes with approval this report."

"Egyptian authorities" include all national and local, civil and military authorities called upon to perform functions relating to the Force under the provisions of these arrangements, without prejudice to the ultimate responsibility of the Government of Egypt.

3. "Egyptian citizen" includes a person of Egyptian citizenship and a person resident or present in the territory of Egypt other than one associated with the Force.

4. "Participating State" means a Member of the United Nations that contributes military personnel to the Force.

5. "Area of operations" includes areas where the Force is deployed in the performance of its functions as defined in paragraph 12 of the Second and Final Report of the Secretary-General to the General Assembly (A/3302), concurred in by the General Assembly in paragraph 2 of resolution 1001 (ES-I); military installations or other premises referred to in paragraph 19 of these arrangements; lines of communication and supply utilized by the Force pursuant to paragraphs 32 and 33 of these arrangements.

**Respect for Local Law and Conduct**

6. Members of the Force and United Nations officials serving with the Force shall respect the laws and regulations of Egypt and shall refrain from any activity of a political character in Egypt and from any action incompatible with the international nature of their duties or inconsistent with the spirit of the present arrangements. The Commander shall take all appropriate measures to ensure the observance of these obligations.

**Entry and Exit: Identification**

7. Members of the Force shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering or departing from Egyptian territory. They shall also be exempt from any regulations governing the residence of aliens in Egypt, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of Egypt. For the purpose of such entry or departure members of the Force will be required to have only (a) an individual or collective movement order issued by the Commander or an appropriate authority of the Participating State; and (b) a personal identity card issued by the Commander under the authority of the Secretary-General, except in the case of first entry when the personal military identity card issued by the appropriate authorities of the Participating State will be accepted in lieu of the said Force identity card.

8. Members of the Force may be required to present, but not to surrender, their identity cards upon demand of an appropriate Egyptian authority. Except as provided in paragraph 7 of these arrangements the identity card will be the only document required for a member of the Force. If, however, it does not show the full name, date of birth, rank and number (if any), service and photograph of a member of the Force, such member may be required to present likewise the personal military identity card or similar document issued by the appropriate authorities of the Participating State to which he belongs.
9. If a member of the Force leaves the service of the Participating State to which he belongs and is not repatriated, the Commander shall immediately inform the Egyptian authorities, giving such particulars as may be required. The Commander shall similarly inform the Egyptian authorities of any member of the Force who has absented himself for more than twenty-one days. If an expulsion order against an ex-member of the Force has been made, the Commander shall be responsible for ensuring that the person concerned shall be received within the territory of the Participating State concerned.

JURISDICTION

10. The following arrangements respecting criminal and civil jurisdiction are made having regard to the special functions of the Force and to the interests of the United Nations, and not for the personal benefit of the members of the Force.

CRIMINAL JURISDICTION

11. Members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in Egypt.

CIVIL JURISDICTION

12. (a) Members of the Force shall not be subject to the civil jurisdiction of Egyptian courts or to other legal process in any matter relating to their official duties. In a case arising from a matter relating to the official duties of a member of the Force and which involves a member of the Force and an Egyptian citizen, and in other disputes as agreed, the procedure provided in paragraph 38 (b) shall apply to their settlement.

(b) In those cases where civil jurisdiction is exercised by Egyptian courts with respect to members of the Force, the Egyptian courts and authorities shall grant members of the Force sufficient opportunity to safeguard their rights. If the Commander certifies that a member of the Force is unable because of official duties or authorized absence to protect his interests in a civil proceeding in which he is a participant, the Egyptian court or authority shall at his request suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of the Force which is certified by the Commander to be needed by him for the fulfilment of his official duties shall be free from seizure for the satisfaction of a judgement, decision or order, together with other property not subject thereto under Egyptian law. The personal liberty of a member of the Force shall not be restricted by an Egyptian court or authority in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath of disclosure, or for any other reason.

(c) In the cases provided for in sub-paragraph (b) above, the claimant may elect to have his claim dealt with in accordance with the procedure set out in paragraph 38 (b) of these arrangements. Where a claim adjudicated or an award made in favour of the claimant by an Egyptian court or the Claims Commission under paragraph 38 (b) of these arrangements has not been satisfied, the Egyptian authorities may, without prejudice to the claimant’s rights, seek the good offices of the Secretary-General to obtain satisfaction.
NOTIFICATION: CERTIFICATION

13. If any civil proceeding is instituted against a member of the Force before any Egyptian court having jurisdiction, notification shall be given to the Commander. The Commander shall certify to the court whether or not the proceeding is related to the official duties of such member.

MILITARY POLICE: ARREST: TRANSFER OF CUSTODY AND MUTUAL ASSISTANCE

14. The Commander shall take all appropriate measures to ensure maintenance of discipline and good order among members of the Force. To this end military police designated by the Commander shall police the premises referred to in paragraph 19 of these arrangements and such areas where the Force is deployed in the performance of its functions. Elsewhere such military police shall be employed only subject to arrangements with the Egyptian authorities and in liaison with them and in so far as such employment is necessary to maintain discipline and order among members of the Force. For the purpose of this paragraph the military police of the Force shall have the power of arrest over members of the Force.

15. Military police of the Force may take into custody any person on the premises referred to in paragraph 19 who is subject to Egyptian criminal jurisdiction, without subjecting him to the ordinary routine of arrest, in order immediately to deliver him to the nearest appropriate Egyptian authorities: (a) when so requested by the Egyptian authorities; or (b) for the purpose of dealing with any offence or disturbance on the premises.

16. The Egyptian authorities may take into custody a member of the Force, without subjecting him to the ordinary routine of arrest in order immediately to deliver him, together with any weapons or items seized, to the nearest appropriate authorities of the Force: (a) when so requested by the Commander; or (b) in cases in which the military police of the Force are unable to act with the necessary promptness when a member of the Force is apprehended in the commission or attempted commission of a criminal offence that results or might result in serious injury to persons or property, or serious impairment of other legally protected rights.

17. When a person is taken into custody under (b) of paragraphs 15 and 16, the Commander or Egyptian authorities, as the case may be, may make a preliminary interrogation but may not delay the transfer of custody. Following the transfer of custody, the persons concerned shall be made available upon request for further interrogation.

18. The Commander and the Egyptian authorities shall assist each other in the carrying out of all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses, and in the collection and production of evidence, including the seizure of and, in proper cases, the handing over of things connected with an offence. The handing over of any such things may be made subject to their return within the time specified by the authority delivering them. Each shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 15 and 16 of these arrangements. The Government of Egypt will ensure the prosecution of persons subject to its criminal
jurisdiction who are accused of acts in relation to the Force or its members which, if committed in relation to the Egyptian forces or their members, would have rendered them liable to prosecution. The authorities of the Force will take the measures within their power with respect to crimes or offences committed against Egyptian citizens by members of the Force.

**Premises of the Force**

19. The Egyptian Government shall provide, in agreement with the Commander, such areas for headquarters, camps, or other premises as may be necessary for the accommodation and the fulfilment of the functions of the Force. Without prejudice to the fact that all such premises remain Egyptian territory, they shall be inviolable and subject to the exclusive control and authority of the Commander, who alone may consent to the entry of officials to perform duties on such premises.

**United Nations Flag**

20. The Egyptian Government recognizes the right of the Force to display within Egyptian territory the United Nations flag on its headquarters, camps, posts or other premises, vehicles, vessels and otherwise as decided by the Commander. Other flags or pennants may be displayed only in exceptional cases and in accordance with conditions prescribed by the Commander. Sympathetic consideration will be given to observations or requests of the Egyptian authorities concerning this last-mentioned matter.

**Uniform: Vehicle, Vessel and Aircraft Markings and Registration: Operating Permits**

21. Members of the Force shall normally wear the uniform prescribed by the Commander. The conditions on which the wearing of civilian dress is authorized shall be notified by the Commander to the Egyptian authorities, and sympathetic consideration will be given to observations or requests of the Egyptian authorities concerning this matter. Service vehicles, vessels and aircraft shall carry a distinctive United Nations identification mark and licence which shall be notified by the Commander to the Egyptian authorities. Such vehicles, vessels and aircraft shall not be subject to registration and licensing under the laws and regulations of Egypt. Egyptian authorities shall accept as valid, without a test or fee, a permit or licence for the operation of service vehicles, vessels and aircraft issued by the Commander.

**Arms**

22. Members of the Force may possess and carry arms while on duty in accordance with their orders. The Commander shall give sympathetic consideration to requests from the Egyptian authorities concerning this matter.

**Privileges and Immunities of the Force**

23. The United Nations Emergency Force, as a subsidiary organ of the United Nations established by the General Assembly, enjoys the status, privileges and immunities of the Organization in accordance with the Convention on the Privileges and Immunities of the United Nations. The
provisions of Article II of the Convention on the Privileges and Immunities of the United Nations shall also apply to the property, funds and assets of Participating States used in Egypt in connexion with the national contingents serving in the United Nations Emergency Force. Such Participating States may not acquire immovable property in Egypt without agreement with the Government of Egypt. The Government of Egypt recognizes that the right of the Force to import free of duty equipment for the Force and provisions, supplies and other goods for the exclusive use of members of the Force, members of the United Nations Secretariat detailed by the Secretary-General to serve with the Force, excluding locally recruited personnel, includes the right of the Force to establish, maintain and operate at headquarters, camps and posts, service institutes providing amenities for the persons aforesaid. The amenities that may be provided by service institutes shall be goods of a consumable nature (tobacco and tobacco products, beer, etc.), and other customary articles of small value. To the end that duty-free importation of the Force may be effected with the least possible delay, having regard to the interests of the Government of Egypt, a mutually satisfactory procedure, including documentation, shall be arranged between the appropriate authorities of the Force and the Egyptian customs authorities. The Commander shall take all necessary measures to prevent any abuse of the exemption and to prevent the sale or resale of such goods to persons other than those aforesaid. Sympathetic consideration shall be given by the Commander to observations or requests of the Egyptian authorities concerning the operation of service institutes.

Privileges and Immunities of Officials and Members of the Force

24. Members of the United Nations Secretariat detailed by the Secretary-General to serve with the Force remain officials of the United Nations entitled to the privileges and immunities of Articles V and VII of the Convention on the Privileges and Immunities of the United Nations. With respect to the locally recruited personnel of the Force, however, the United Nations will assert its right only to the immunity concerning official acts provided in Section 18 (a) of the Convention on the Privileges and Immunities of the United Nations.

25. The Commander shall be entitled to the privileges, immunities and facilities of Sections 19 and 27 of the Convention on the Privileges and Immunities of the United Nations. Officers serving on the United Nations Command (the Commander’s Headquarters Staff) are entitled to the privileges and immunities of Article VI of the Convention on the Privileges and Immunities of the United Nations. Subject to the foregoing, the United Nations will claim with respect to members of the Force only those rights expressly provided in the present or supplemental arrangements.

Members of the Force: Taxation, Customs and Fiscal Regulations

26. Members of the Force shall be exempt from taxation on the pay and emoluments received from their national Governments or from the United Nations. They shall also be exempt from all other direct taxes except municipal rates for services enjoyed, and from all registration fees, and charges.

27. Members of the Force shall have the right to import free of duty their personal effects in connexion with their first taking up their post in
Egypt. They shall be subject to the Egyptian laws and regulations governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in Egypt with the Force. Special facilities for entry or exit shall be granted by the Egyptian immigration, customs and fiscal authorities to regularly constituted units of the Force provided that the authorities concerned have been duly notified sufficiently in advance. Members of the Force on departure from Egypt may, notwithstanding the foreign exchange regulations, take with them such funds as the appropriate Pay Officer of the Force certifies were received in pay and emoluments from their respective national Governments or from the United Nations and are a reasonable residue thereof. Special arrangements between the Commander and the Egyptian authorities shall be made for the implementation of the foregoing provisions in the interests of the Egyptian Government and members of the Force.

28. The Commander will co-operate with customs and fiscal authorities of Egypt and will render all assistance within his power in ensuring the observance of the customs and fiscal laws and regulations of Egypt by the members of the Force in accordance with these or any relevant supplemental arrangements.

COMMUNICATIONS AND POSTAL SERVICES

29. The Force enjoys the facilities in respect to communications provided in Article III of the Convention on the Privileges and Immunities of the United Nations. The Commander shall have authority to install and operate a radio sending and receiving station or stations to connect at appropriate points and exchange traffic with the United Nations radio network, subject to the provisions of Article 45 of the International Telecommunication Convention relating to harmful interference. The frequencies on which any such station may be operated will be duly communicated by the United Nations to the appropriate Egyptian authorities and to the International Frequency Registration Board. The right of the Commander is likewise recognized to enjoy the priorities of government telegrams and telephone calls as provided for the United Nations in Article 37 and Annex 3 of the latter Convention and in Article 83 of the Telegraph Regulations annexed thereto.

30. The Force shall also enjoy, within its area of operations, the right of unrestricted communication by radio, telephone, telegraph or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of the Force, including the laying of cables and land lines and the establishment of fixed and mobile radio sending and receiving stations. It is understood that the telegraph and telephone cables and lines herein referred to will be situated within or directly between the premises of the Force and the area of operations, and that connexion with the Egyptian system of telegraphs and telephones will be made in accordance with arrangements with the appropriate Egyptian authorities.

31. The Government of Egypt recognizes the right of the Force to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of the Force. The Government of Egypt will be informed of the nature of such arrangements. No interference shall take place with, and no censorship shall be applied to,
the mail of the Force by the Government of Egypt. In the event postal arrangements applying to private mail of members of the Force are extended to operations involving transfer of currency, or transport of packages or parcels from Egypt, the conditions under which such operations shall be conducted in Egypt will be agreed upon between the Government of Egypt and the Commander.

**Freedom of Movement**

32. The Force and its members shall enjoy together with service vehicles, vessels, aircraft and equipment, freedom of movement between Force headquarters, camps and other premises, within the area of operations, and to and from points of access to Egyptian territory agreed upon or to be agreed upon by the Egyptian Government and the Commander. The Commander will consult with the appropriate Egyptian authorities with respect to large movements of personnel, stores or vehicles on railways or roads used for general traffic. The Government of Egypt recognizes the right of the Force and its members to freedom of movement across armistice demarcation lines and other military lines in the performance of the functions of the Force and the official duties of its members. The Egyptian authorities will supply the Force with maps and other information, including locations of mine fields and other dangers and impediments, which may be useful in facilitating its movements.

**Use of Roads, Waterways, Port Facilities, Airfields and Railways**

33. The Force shall have the right to the use of roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges either by way of registration or otherwise, in the area of operations and the normal points of access, except for charges that are related directly to services rendered. The Egyptian authorities, subject to special arrangements, will give the most favourable consideration to requests for the grant to members of the Force of travelling facilities on its railways and of concessions with regard to fares.

**Water, Electricity and Other Public Utilities**

34. The Force shall have the right to the use of water, electricity and other public utilities at rates not less favourable to the Force than those to comparable consumers. The Egyptian authorities will, upon the request of the Commander, assist the Force in obtaining water, electricity and other utilities required, and in the case of interruption of threatened interruption of service, will give the same priority to the needs of the Force as to essential Government services. The Force shall have the right where necessary to generate, within the premises of the Force either on land or water, electricity for the use of the Force, and to transmit and distribute such electricity as required by the Force.

**Egyptian Currency**

35. The Government of Egypt will, if requested by the Commander, make available to the Force, against reimbursement in U.S. dollars, Swiss francs or other currency mutually acceptable, Egyptian currency required for the use of the Force, including the pay of the members of the national
contingents, at the rate of exchange most favourable to the Force that is officially recognized by the Government of Egypt.

PROVISIONS, SUPPLIES AND SERVICES

36. The Egyptian authorities will, upon the request of the Commander, assist the Force in obtaining equipment, provisions, supplies and other goods and services required from local sources for its subsistence and operation. Sympathetic consideration will be given by the Commander in purchases on the local market to requests or observations of Egyptian authorities in order to avoid any adverse effect on the local economy. Members of the Force and United Nations officials may purchase locally goods necessary for their own consumption, and such services as they need, under conditions not less favourable than for Egyptian citizens. If members of the Force and United Nations officials should require medical or dental facilities beyond those available within the Force, arrangements shall be made with the appropriate Egyptian authorities under which such facilities may be made available. The Commander and the appropriate local authorities will co-operate with respect to sanitary services. The Commander and the Egyptian authorities shall extend to each other the fullest co-operation in matters concerning health, particularly with respect to the control of communicable diseases in accordance with international conventions; such co-operation shall extend to the exchange of relevant information and statistics.

LOCALLY RECRUITED PERSONNEL

37. The Force may recruit locally such personnel as required. The Egyptian authorities will, upon the request of the Commander, assist the Force in the recruitment of such personnel. Sympathetic consideration will be given by the Commander in the recruitment of local personnel to requests or observations of Egyptian authorities in order to avoid any adverse effect on the local economy. The terms and conditions of employment for locally recruited personnel shall be prescribed by the Commander and shall generally, to the extent practicable, follow the practice prevailing in the locality.

SETTLEMENT OF DISPUTES OR CLAIMS

38. Disputes or claims of a private law character shall be settled in accordance with the following provisions:

(a) The United Nations shall make provisions for the appropriate modes of settlement of disputes or claims arising out of contract or other disputes or claims of a private law character to which the United Nations is a party other than those covered in subparagraphs (b) and (c) following.

(b) Any claim made by
   (i) An Egyptian citizen in respect of any damages alleged to result from an act or omission of a member of the Force relating to his official duties;
   (ii) The Government of Egypt against a member of the Force; or
   (iii) The Force or the Government of Egypt against one another that is not covered by paragraphs 39 or 40 of these arrangements,
shall be settled by a Claims Commission established for that purpose. One member of the Commission shall be appointed by the Secretary-General, one member by the Government of Egypt and a chairman jointly by the Secretary-General and the Government of Egypt. If the Secretary-General and the Government of Egypt fail to agree on the appointment of a chairman, the President of the International Court of Justice shall be asked by either to make the appointment. An award made by the Claims Commission against the Force or a member thereof or against the Government of Egypt shall be notified to the Commander or the Egyptian authorities, as the case may be, to make satisfaction thereof.

(c) Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by administrative procedure to be established by the Commander.

39. All differences between the United Nations and Egypt arising out of the interpretation or application of these arrangements which involve a question of principle concerning the Convention on the Privileges and Immunities of the United Nations shall be dealt with in accordance with the procedure of Section 30 of the Convention.

40. All other disputes between the United Nations and Egypt concerning the interpretation or application of these arrangements which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a Tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one by the Government of Egypt, and an umpire to be chosen jointly by the Secretary-General and the Government of Egypt. If the two parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this paragraph for the original appointment. The Tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the Tribunal. Two members of the Tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the Tribunal a favourable vote of two members shall be sufficient.

LIAISON

41. The Commander and the Egyptian authorities shall take appropriate measures to ensure close and reciprocal liaison.

DECEASED MEMBERS: DISPOSITION OF PERSONAL PROPERTY

42. The Commander shall have the right to take charge of and dispose of the body of a member of the Force who dies in Egyptian territory, and may dispose of his personal property after the debts of the deceased person incurred in Egyptian territory and owing to Egyptian citizens have been settled.

SUPPLEMENTAL ARRANGEMENTS

43. Supplemental details for the carrying out of these arrangements shall be made as required between the Commander and appropriate Egyptian authorities designated by the Government of Egypt.
44. Upon acceptance of this proposal by your Government, the present letter and your reply will be considered as constituting an agreement between the United Nations and Egypt that shall be deemed to have taken effect as from the date of the arrival of the first element of the Force in Egypt, and shall remain in force until the departure of the Force from Egypt. The effective date that the departure has occurred shall be defined by the Secretary-General and the Government of Egypt. The provisions of paragraphs 38, 39 and 40 of these arrangements, relating to the settlement of disputes, however, shall remain in force until all claims arising prior to the date of termination of these arrangements, and submitted prior to or within three months following the date of termination, have been settled.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Dag HAMMARSKJOLD
Secretary-General

His Excellency Dr. Mahmoud Fawzi
Minister for Foreign Affairs
Egypt

New York, 8 February 1957

Sir,

I have the honour to refer to your letter of 8 February 1957 in which you have proposed that Egypt and the United Nations should make the ad hoc arrangements contained therein which define certain of the conditions necessary for the effective discharge of the functions of the United Nations Emergency Force while it remains in Egypt. Recalling the declaration of the Government of Egypt that, when exercising its sovereign powers on any matter concerning the presence and functioning of the United Nations Emergency Force, it would be guided, in good faith, by its acceptance of the General Assembly resolution of 5 November 1956, I have the pleasure to advise you in the name of the Government of Egypt of its full agreement on, and its acceptance of, the terms of your letter.

The Government of Egypt agrees, furthermore, that your letter and this reply will be considered as constituting an agreement between Egypt and the United Nations.

I take this opportunity, Sir, to renew the assurances of my highest consideration.

(Signed) M. FAWZI
Minister for Foreign Affairs

His Excellency Mr. Dag Hammarskjold
Secretary-General
United Nations
New York

Beirut, 20 April 1957

Sir,

I have the honour to refer to the establishment of the United Nations Emergency Force as an organ of the General Assembly of the United Nations constituted in accordance with Article 22 of the Charter. I would likewise refer to the consent which your Government has generously accorded for the creation in the Lebanon of a Leave Centre, which is considered necessary for the maintenance of the morale and continued efficient operation of the Force, particularly in view of the rigorous and difficult conditions under which its members are serving. Having in mind Article 105 of the Charter which provides that the United Nations shall enjoy in the territory of its Members such privileges and immunities as are necessary for the fulfillment of its purposes, the accession by Lebanon to the Convention on the Privileges and Immunities of the United Nations, and the resolutions of the General Assembly providing for the United Nations Emergency Force, \(^3\) I should like to propose the following arrangements with a view to enabling the effective fulfillment of the purposes of such a Leave Centre.

Office

1. As a subsidiary organ of the United Nations the Force will be represented in Lebanon by an administrative unit under the command of an officer designated by the Commander, who shall be responsible for the operation of leave centres in Lebanon.

Entry and Exit

2. In respect of a member of the Force entering Lebanon on duty or on leave by sea or by air there shall be presented, but not surrendered, on demand of the appropriate Lebanese authorities:

   (a) his UNEF Identification Card; and

   (b) either an individual or a collective movement order authorizing the movement, issued by an authority of the Force in a standard form.

3. The officer in charge of administration of the Leave Centre shall notify the appropriate Lebanese immigration, customs or other authorities of the impending arrival or departure of regularly constituted groups of members of the Force in sufficient time to enable such authorities to carry out the necessary clearance formalities with the least possible delay.

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\(^1\) Came into force on 29 April 1957, in accordance with the provisions of the said letters.


4. (a) Subject to subparagraphs (b) and (c) of this paragraph, Headquarters staff officers may enter and leave Lebanon by land on official duty, in the manner provided in paragraph 2 (a) and (b).

(b) An application for the entry and exit of a Headquarters staff officer shall be made through ILMAC for each such officer, giving his service number, rank, name, appointment, and the identification number of the vehicle in which he will be transported.

(c) It is understood that entries and departures of Headquarters staff officers under this paragraph shall be kept to a minimum consistent with the requirements of the Force.

APPLICATION OF THE CONVENTION

5. The Force, as a subsidiary organ of the United Nations established by the General Assembly, enjoys the status, privileges and immunities of the Organization in accordance with the Convention on the Privileges and Immunities of the United Nations. A member of the Force may, at the time of his entry into Lebanon on official duty or on leave, enter duty-free a reasonable quantity of personal effects as accompanied baggage.

6. In exercising the right to import duty-free articles required for the operation of a UNEF Leave Centre, the Commander will restrict such imports to such articles as are not readily available in Lebanon, or are in the nature of service institute amenities, or have a particular national significance to any national contingent of UNEF.

7. Members of the United Nations Secretariat detailed by the Secretary-General to serve with the Force remain officials of the United Nations entitled to the privileges and immunities of Articles V and VII of the Convention on the Privileges and Immunities of the United Nations. With respect to the locally recruited personnel of the Force, however, the United Nations will assert its right only to the immunity concerning official acts provided in Section 18 (a) of that Convention. The Commander shall be entitled to the privileges, immunities and facilities of Sections 19 and 27 of the Convention. Officers serving on the United Nations Command (the Commander's Headquarters Staff) are entitled to the privileges and immunities of Article VI of the Convention.

DRESS

8. A member of the Force present in Lebanon on official duty may wear uniform at all times and places.

9. A member of the Force present in Lebanon on official leave may wear uniform or civilian clothes in accordance with orders issued by the Commander.

10. The Commander shall give sympathetic consideration to requests of the Lebanese authorities respecting the dress of members of the Force present in Lebanon on official leave.

11. When in uniform, members of the Force present in Lebanon shall wear the blue beret of UNEF, and not the headdress of the national contingent to which they belong, as well as the United Nations shoulder patch.
VEHICLES

12. Service vehicles and aircraft of the Force shall carry a distinctive United Nations identification mark and licence which shall be notified by the Commander to the Lebanese authorities. Such vehicles and aircraft shall not be subject to registration and licensing under the laws and regulations of Lebanon. Lebanese authorities shall accept as valid, without test or fee, a permit or licence for the operation of service vehicles and aircraft issued by the Commander.

JURISDICTION

13. A member of the Force shall be subject to the exclusive criminal jurisdiction of the competent authorities of the Participating State to which he belongs. The Commander shall notify the Lebanese authorities of the disposition of every criminal offence committed by a member of the Force in Lebanon.

14. Members of the Force present in Lebanon on official duty shall not be subject to legal process or the civil jurisdiction of Lebanon in respect of any matter arising out of their official duties. Civil claims or disputes involving a member of the Force acting in the course of his official duty and a third party shall be settled in accordance with the provisions of Article VIII of the Convention on the Privileges and Immunities of the United Nations.

15. In respect of a member of the Force present in Lebanon on official leave or otherwise acting outside the scope of his official duty, the civil courts of Lebanon may exercise jurisdiction. The Commander shall extend to the civil authorities full co-operation in any civil suit taken against a member of the Force, including facilitating the service of civil process upon any such member of the Force and the enforcement of any judgment, decision or order against him made by a Lebanese civil court of competent jurisdiction.

16. Arrangements shall be made for the presence of a limited number of UNEF military police with a view to maintaining discipline among members of the Force in Lebanon and accompanying the appropriate Lebanese authorities to assist, in so far as members of the Force are concerned, in the maintenance of public order. The Lebanese authorities may take into custody a member of the Force, without subjecting him to the ordinary routine of arrest, in order immediately to deliver him, together with any items seized, to the authorities of the Force. The Lebanese authorities may make a preliminary interrogation but may not delay the transfer of custody.

17. The authorities of the Force and the Lebanese authorities shall assist each other in the collection and production of evidence, and in the production of witnesses, in respect of offences in which either or both have an interest.

18. The Lebanese authorities shall assist the Force in the apprehension of members of the Force reported by an authority of the Force to be absent without leave; any absentee apprehended by the Lebanese authorities shall be handed over with the least possible delay to the authorities of the Force.

LIAISON

19. The Commander and the Lebanese authorities shall take appropriate measures to ensure close and reciprocal liaison.
DECEASED MEMBERS: DISPOSITION OF PERSONAL PROPERTY

20. The Commander shall have the right to take charge of and dispose of the body of a member of the Force who dies in Lebanese territory, and may dispose of his personal property after the debts of the deceased person incurred in Lebanese territory and owing to persons other than members of the Force have been settled.

If your Government is in agreement with these proposals, I would suggest that this letter and your reply be considered as constituting an agreement between the United Nations and Lebanon, to have effect as from the date of the commencement of the administration of the Leave Centre.

Accept, Sir, the assurances of my highest consideration.

E. L. M. BURNS
Major-General
Commander, UNEF

His Excellency Dr. Charles Malik
Minister for Foreign Affairs
Beirut, Lebanon

II
Beirut, 29 April 1957

Major-General E. L. M. Burns
Commander
United Nations Emergency Force

Sir,

I have the honour to acknowledge receipt of your letter of 20 April 1957, in which you propose certain arrangements with a view to enabling the effective fulfillment of the purposes of the United Nations Emergency Force Leave Center which is to be established in Lebanon. In view of the fact that certain provisions in your letter will require review in accordance with Lebanese constitutional procedures, it will be our understanding that my present agreement to your proposed arrangements will constitute a provisional arrangement subject to such review, the first step of which will be the submission of your proposals to the Council of Ministers for their approval.

The Minister of Foreign Affairs:
Charles Malik

III
1 May 1957

Sir,

I have the honour to acknowledge the receipt of your letter of 29 April 1957, in which you express your agreement, as a provisional arrangement, to the terms of my letter of 20 April 1957 concerning the status of the Leave Centre of the United Nations Emergency Force in Lebanon. I note that certain provisions in this arrangement will require review in accordance with Lebanese constitutional procedures. I should therefore be glad to be advised of any such steps taken and in particular I shall be grateful if you will kindly inform me as soon as the terms of our letters have had the approval of the Council of Ministers.
Meanwhile I wish to express my warm appreciation on behalf of the United Nations Emergency Force for the constant assistance which the officials of your Government have extended to the Force throughout the period of the many necessary preparations for the opening of the Leave Centre.

Accept, Sir, the assurances of my highest consideration.

E. L. M. Burns
Major-General
Commander, UNEF

His Excellency the Minister for Foreign Affairs
Ministry of Foreign Affairs
Beirut, Lebanon

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22. Exchange of Letters constituting an Agreement\(^1\) between the United Nations and Finland concerning the Service with the United Nations Emergency Force of National Contingent Provided by the Government of Finland. New York, 21 and 27 June 1957\(^2\)

THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PERMANENT REPRESENTATIVE OF FINLAND TO THE UNITED NATIONS

21 June 1957

Sir,

I have the honour to refer to the resolutions of the General Assembly relating to the United Nations Emergency Force (UNEF) and particularly to resolution 1000 (ES-I) of 5 November 1956\(^3\) and resolution 1001 (ES-I) of 7 November 1956.\(^4\) I also have the honour to refer to our previous communications concerning the national contingent provided by your Government for service with UNEF.

2. It will be recalled that the guiding principles for the organization and functioning of the Force were set out in paragraphs 6 to 9 of the "Second and Final Report" of the Secretary-General on the plan for an emergency international United Nations Force (A/3302). They were approved by the General Assembly in paragraph 1 of resolution 1001 (ES-I). By paragraph 2

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\(^{1}\) Deemed to have taken effect as from 10 December 1956, the date that the national contingent provided by the Government of Finland departed from its home country to assume duties with UNEF, in accordance with paragraph 11.

\(^{2}\) United Nations, Treaty Series, Vol. 271, p. 135. Similar agreements have been concluded between the United Nations and the following countries: Sweden, 21 June and 1 July 1957 (ibid., p. 187); Norway, 21 June and 9 July 1957 (ibid., p. 223); Denmark, 21 June and 16 July 1957 (ibid., Vol. 274, p. 81); Canada, 21 June and 29 July 1957 (ibid., p. 48); Brazil, 21 June and 13 August 1957 (ibid., p. 199); India, 21 June and 14 August 1957 (ibid., p. 233); Yugoslavia, 21 June and 1 October 1957 (ibid., Vol. 277, p. 191).


of the same resolution the General Assembly concurred in the definition of
the functions of the Force as stated in paragraph 12 of the Secretary-General's
report.

3. Paragraph 7 of resolution 1001 (ES-I) authorized the Secretary-
General to issue regulations and instructions which may be essential to the
effective functioning of the Force, following consultation with the Advisory
Committee established by the same resolution, and to take all other ne-
cessary administrative and executive actions. Pursuant to this resolution I
have, on 8 February 1957, concluded by exchange of letters an agreement
between the United Nations and the Government of Egypt concerning
the status of UNEF in Egypt.\(^1\) On the same date I submitted a report (A/
3526)\(^2\) on this Agreement to the General Assembly which was noted with
approval by resolution A/RES/485 adopted on 22 February 1957.\(^3\) Following
consultation with the Advisory Committee, the participating states, and
the Commander of the Force, I have also issued Regulations for the Un-
ited Nations Emergency Force (ST/SGB/UNEF/I) on 20 February 1957.\(^4\) Copies
of these documents are attached as annexes I and II respectively.

4. The Regulations referred to above affirm the international character
of the Force as a subsidiary organ of the General Assembly and define the
conditions of service for the members of the Force. National contingents
provided for UNEF serve under these Regulations.

5. The Regulations and the Agreement referred to in paragraph 3 of
this letter also secure to the Force and its individual members the privileges
and immunities necessary for the independent exercise of its functions. I
should like to direct your attention to the provisions of the Regulations and
of the Agreement which provide these privileges and immunities and par-
ticularly to Article 34 of the Regulations (Annex II) and to paragraphs 10,
11 and 12 of my letter to the Ministry of Foreign Affairs of Egypt of 8 Feb-
uary 1957 (A/3526, pp. 4 and 5-Annex I). It will be noted that paragraph
11 of this letter states that “Members of the Force shall be subject to the
exclusive jurisdiction of their respective national States in respect of any
criminal offences which may be committed by them in Egypt”. This
immunity from the jurisdiction of Egypt is based on the understanding that
the authorities of the participating states would exercise such jurisdiction as
might be necessary with respect to crimes or offences committed in Egypt
by any members of the Force provided from their own military services.
It is assumed that the participating states will act accordingly.

6. I should also like to direct your attention to Article 13 of the UNEF
Regulations (Annex II) concerning “Good Order and Discipline”. This
Article provides:

“The Commander of the UNEF shall have general responsibility for
the good order of the Force. Responsibility for disciplinary action in
national contingents provided for the Force rests with the commanders
due to the national contingents. Reports concerning disciplinary action shall
be communicated to the Commander of the UNEF who may consult

\(^1\) Supra, p. 295.
\(^2\) See Annex I to the present Agreement.
\(^3\) United Nations, Official Records of the General Assembly, Eleventh Session,
\(^4\) See Annex II to the present Agreement.
7. In view of the considerations set out in paragraphs 5 and 6 above, I should appreciate your assurance that the commander of the national contingent provided by your Government will be in a position to exercise the necessary disciplinary authority. I should also appreciate your assurance that your Government will be prepared to exercise jurisdiction with respect to any crime or offence which might be committed by a Member of such national contingent.

8. The effective functioning of the United Nations Emergency Force requires that some continuity of service of units with the Force be ensured in order that the UNEF Commander may be in a position to plan his operations with knowledge of what units will be available. I should, therefore, appreciate your assurance that the national contingent provided by your Government will not be withdrawn without adequate prior notification, to the Secretary-General, so as to avoid the impairment of the ability of the Force to discharge its functions. Likewise, should circumstances render the service of your national contingent with the Force no longer necessary, the Secretary-General undertakes to consult with your Government and to give adequate prior notification concerning its withdrawal.

9. Reference is also made to Articles 11 and 12 of the UNEF regulations which deal with “Command Authority” and “Chain of Command and Delegation of Authority”. Article 12 provides inter alia that changes in commanders of national contingents which have been made available by participating governments should be made in consultation between the Commander of the United Nations Emergency Force and the appropriate authorities of the participating government.

10. Finally, I suggest that questions involving the allocation of expenses should be dealt with, in the light of relevant resolutions of the General Assembly, in a supplemental agreement. Such other supplementary arrangements concerning the service of your national contingents with the Force may be made as occasion requires.

11. It is the intention that this letter together with your reply accepting the proposals set forth herein shall constitute an agreement between the United Nations and Finland and shall be deemed to have taken effect from the date that the national contingent provided by your Government departed from its home country to assume duties with UNEF. It is also intended that it shall remain in force until such time as your national contingent may be withdrawn from the Force either in accordance with the terms of paragraph 8 above or in the light of developments affecting the functioning of the Force which may render its service no longer necessary. The provisions of paragraph 12 relating to the settlement of disputes should remain in force until all outstanding claims have been settled.

12. It is also proposed that all disputes between the United Nations and your Government concerning the interpretation or application of this agreement which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a Tribunal of three arbitrators. One of the arbitrators shall be appointed by the Secretary-General of the United Nations, one by your Government, and the umpire shall be chosen jointly by the Secretary-General and your Government. If the two
parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this paragraph for the original appointment. The Tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the Tribunal. Two members of the Tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the Tribunal a favourable vote of two members shall be sufficient.

Accept, Sir, the renewed assurances of my highest consideration.

Dag Hammarskjold
Secretary-General

I have the honour to refer to your letter of 21 June 1957 concerning the service with the United Nations Emergency Force of the national contingent provided by my Government. In this letter you have proposed that my Government and the United Nations should enter into an agreement in accordance with terms provided therein.

My Government accepts this proposal and agrees that your letter and this reply shall constitute an agreement between Finland and the United Nations. My Government also gives the assurances requested in paragraphs 7 and 8 of your letter.

I have the honour to remain, Sir,
Your obedient servant,

(Signed) G. A. Gripenberg
Permanent Representative of Finland
to the United Nations

H.E. Mr. Dag Hammarskjold
Secretary-General of the United Nations
New York, N. Y.

ANNEX I
A/3526

ELEVENTH SESSION. AGENDA ITEM 66

REPORT CONSIDERED BY THE FIRST EMERGENCY SPECIAL SESSION
OF THE GENERAL ASSEMBLY FROM 1 TO 10 NOVEMBER 1956

Report of the Secretary-General on arrangements concerning the status of the United Nations Emergency Force in Egypt

1. The General Assembly by resolution 1000 (ES-I) of 5 November 1956 established the United Nations Emergency Force. By resolution 1001 (ES-I)
of 7 November 1956, the Assembly approved the guiding principles for the organization and functioning of the Force as set forth in the second and final report of the Secretary-General on the plan for an emergency international United Nations Force \(^1\) and, \textit{inter alia}, authorized the Secretary-General to take all administrative and executive actions which might be essential to the effective functioning of the Force.

2. In accordance with this authority, the Secretary-General, in consultation with the Advisory Committee established under General Assembly resolution 1001 (ES-I), has negotiated and concluded arrangements with the Government of Egypt concerning the status of the United Nations Emergency Force in Egypt.

3. On 8 February 1957, an exchange of letters constituting an agreement was signed by the Secretary-General on behalf of the United Nations and by the Minister for Foreign Affairs of Egypt on behalf of Egypt. This agreement is submitted to the General Assembly for its approval as an annex to the present report.

\section*{EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF EGYPT CONCERNING THE STATUS OF THE UNITED NATIONS EMERGENCY FORCE IN EGYPT}

[For the text of this exchange of letters, see \textit{supra}.

\section*{ANNEX II}

\section*{REGULATIONS FOR THE UNITED NATIONS EMERGENCY FORCE}

\textit{ST/SGB/UNEF/1}

20 February 1957

\section*{SECRETARY-GENERAL'S BULLETIN}

\textit{To:} The United Nations Emergency Force

\textit{Subject:} Regulations for the United Nations Emergency Force

The attached Regulations for the United Nations Emergency Force are issued pursuant to authorization by the General Assembly in resolution 1001 (ES-I) of 7 November 1956, following consultation with the Advisory Committee established by the same resolution. They shall be effective from 1 March 1957. The Regulations, for the most part, are intended to continue in effect the orders, instructions and practices which have been followed with respect to the Force since it first came into existence.

Dag Hammarskjold

Secretary-General

\section*{REGULATIONS FOR THE UNITED NATIONS EMERGENCY FORCE}

\textbf{CHAPTER I. GENERAL PROVISIONS}

1. \textit{Issuance of Regulations.} The Regulations for the United Nations Emergency Force (UNEF) (hereinafter referred to as the Force) are issued by the

Secretary-General, following consultation with the Advisory Committee established under General Assembly resolution 1001 (ES-I) of 7 November 1956 (hereinafter referred to as the Advisory Committee) pursuant to paragraph 7 of that resolution. They shall be effective from 1 March 1957. The Regulations, and supplemental instructions and orders referred to in Regulations 3 and 4, shall be made available to all units of the Force.

2. Amendments. These Regulations may be amended or revised by the Secretary-General, following consultation with the Advisory Committee.

3. Supplemental instructions. Supplemental instructions consistent with the present Regulations may be issued by the Secretary-General as required with respect to matters not delegated to the Commander of the United Nations Emergency Force (hereinafter referred to as the Commander).

4. Command Orders. The Commander may issue Orders not inconsistent with the resolutions of the General Assembly relating to the Force, these Regulations and amendments thereto, and with supplemental instructions referred to in Regulation 3:

(a) in the discharge of his duties as Commander of the Force; or
(b) in implementation or explanation of these Regulations.

Command Orders shall be subject to review by the Secretary-General.

5. Definitions. The following definitions shall apply to the terms used in the present Regulations:

(a) The “Commander of the United Nations Emergency Force (UNEF)” or the “Commander” is the general officer appointed as “Chief of the United Nations Command” by the General Assembly.

(b) The “United Nations Command” is the Commander together with his Headquarters Staff.

(c) The “United Nations Emergency Force” or “Force” is the subsidiary organ of the United Nations described in Regulation 6 below.

(d) A “member of the United Nations Emergency Force” or a “member of the Force” is the Commander and any person belonging to the military services of a State serving under the Commander either on the United Nations Command or with a national contingent.

(e) A “Participating State” is a State providing national contingents to the Force. A “Participating Government” is the government of a Participating State.

(f) The “authorities of a Participating State” are those authorities who are empowered by the law of that State to enforce its military or other law with respect to the members of its armed forces.

(g) A “Host State” is a State in which the Force operates. A “Host Government” is the Government of a Host State.

CHAPTER II. INTERNATIONAL CHARACTER, UNIFORM, INSIGNIA, AND PRIVILEGES AND IMMUNITIES

remaining in their national service, are, during the period of their assignment to the Force, international personnel under the authority of the United Nations and subject to the instructions of the Commander through the chain of command. The functions of the Force are exclusively international and members of the Force shall discharge these functions and regulate their conduct with the interest of the United Nations only in view.

7. Flag. The Force is authorized to fly the United Nations flag in accordance with the United Nations Flag Code and Regulations. The United Nations Command shall display the United Nations flag and emblem on its Headquarters, posts, vehicles and otherwise as decided by the Commander. Other flags or pennants may be displayed only in exceptional cases and in accordance with conditions prescribed by the Commander.

8. Uniform and insignia. Members of the Force shall wear such uniform and distinctive insignia as the Commander, in consultation with the Secretary-General, shall prescribe. Civilian dress may be worn at such times and in accordance with such conditions as may be authorized by the Commander.

9. Markings. All means of transportation of the Force, including vehicles, vessels and aircraft, and all other equipment when specifically designated by the Commander shall bear a distinctive United Nations mark and licence.

10. Privileges and immunities. The Force, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the Organization provided in the Convention on the Privileges and Immunities of the United Nations. The entry without duty of equipment and supplies of the Force, and of personal effects of members of the Force upon their first arrival shall be effected in accordance with details to be arranged with the Host State concerned. The provisions of article II of the Convention on the Privileges and Immunities of the United Nations shall also apply to the property, funds and assets of Participating States used in a Host State in connexion with the national contingents serving in the Force.

Chapter III. Authority of the Commander of the United Nations Emergency Force

11. Command authority. The Commander has full command authority over the Force. He is operationally responsible for the performance of all functions assigned to the Force by the United Nations, and for the deployment and assignment of troops placed at the disposal of the Force.

12. Chain of command and delegation of authority. The Commander shall designate the chain of command for the Force, making use of the officers of the United Nations Command and the commanders of the national contingents made available by Participating Governments. He may delegate his authority through the chain of command. Changes in commanders of national contingents made available by Participating Governments shall be made in consultation between the Commander of the UNEF and the appropriate authorities of the Participating Government. The Commander of the UNEF may make such provisional emergency assignments as may be required. The Commander of the UNEF has full authority with respect to all assignments of members of the United Nations Command and, through the chain of command, of all members of the Force. Instructions from principal organs of
the United Nations shall be channelled by the Secretary-General through the
Commander and the chain of command designated by him.

13. *Good order and discipline.* The Commander of the UNEF shall have
general responsibility for the good order of the Force. Responsibility for
disciplinary action in national contingents provided for the Force rests with
the commanders of the national contingents. Reports concerning disciplinary
action shall be communicated to the Commander of the UNEF who may
consult with the commander of the national contingent and if necessary
the authorities of the Participating State concerned.

14. *Military police.* The Commander shall provide for military police
for any camps, establishments or other premises which are occupied by the
Force in a Host State and for such areas where the Force is deployed in the
performance of its functions. Elsewhere military police of the Force may be
employed, in so far as such employment is necessary to maintain discipline
and order among members of the Force, subject to arrangements with the
authorities of the Host State concerned, and in liaison with those authorities.
For the purpose of this Regulation the military police of the Force shall
have the power of arrest over members of the Force. Nothing in this Regu-
lation is in derogation of the authority of arrest conferred upon members of
a national contingent *vis-à-vis* one another.

**CHAPTER IV. GENERAL ADMINISTRATIVE, EXECUTIVE AND FINANCIAL
ARRANGEMENTS**

15. *Authority of the Secretary-General.* The Secretary-General of the United
Nations shall have authority for all administrative, executive and finan-
cial matters affecting the Force and shall be responsible for the negotiation
and conclusion of agreements with Governments concerning the Force.
He shall make provisions for the settlement of claims arising with respect to
the Force.

16. *Authority of the Commander.* The Commander shall have direct
authority for the operation of the Force and for arrangements for the provi-
sion of facilities, supplies and auxiliary services. In the exercise of this autho-
rity he shall act in consultation with the Secretary-General and in accordance
with the administrative and financial principles contained in Regulations
17-28 following.

17. *United Nations Command Headquarters.* The Commander shall
establish the Headquarters for the Force and such other operational centres
and liaison offices as may be found necessary.

18. *Finance and accounting.* Financial administration of the Force shall
be in accordance with the Financial Rules for the United Nations Emergency
Force Special Account, such of the United Nations Financial Regulations
and Rules as are not inconsistent with them, and the procedures prescribed
by the Secretary-General.

19. *Personnel.* (a) The Commander shall recruit from Member Gov-
ernments officers for this Command. Such officers are entitled to the privi-
leges and immunities of article VI of the Convention on the Privileges and
Immunities of the United Nations. The Commander shall be entitled to the
privileges, immunities and facilities of sections 19 and 27 of the Convention
on the Privileges and Immunities of the United Nations.
(b) The Commander shall arrange with the Secretary-General for such detailment of staff from the United Nations Secretariat to serve with the Force as may be necessary. Staff members of the United Nations detailed by the Secretary-General to serve with the Force shall be responsible to the Commander in the performance of their functions in accordance with the terms of their assignment by the Secretary-General. They remain subject to the Staff Regulations of the United Nations and to the authority of the Secretary-General and remain entitled to the privileges and immunities of articles V and VII of the Convention on the Privileges and Immunities of the United Nations.

(c) The Commander may recruit such local personnel as he requires. The terms and conditions of employment for locally recruited personnel shall be prescribed by the Commander and shall generally, to the extent practicable, follow the practice prevailing in the locality. They shall not be subject to or entitled to the benefits of the Staff Regulations of the United Nations, but shall be entitled to the immunity in respect of official acts provided in section 18(a) of the Convention on the Privileges and Immunities of the United Nations. Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by administrative procedure to be established by the Commander.

20. Food, accommodations and amenities. The Commander shall have charge of the billeting and the provision of food for all personnel attached to the Force, and may negotiate with Governments and private suppliers for the provision of premises and food. The Commander may establish, maintain and operate at headquarters, camps and posts, in accordance with such conditions as he may prescribe, service institutes providing amenities for members of the Force and of the United Nations Secretariat detailed by the Secretary-General to serve with the Force.

21. Transportation. The Commander shall arrange for the transportation of personnel and equipment to and from the area of operations; shall make provision for local transportation within the area; and shall co-ordinate the use of all transportation facilities.

22. Supplies. The Commander shall be responsible for the procurement, storage and issuance of supplies required by the Force.

23. Equipment. The Commander shall make such arrangements as may be necessary for obtaining equipment required by the Force, other than the standard equipment expected to accompany national contingents.

24. Communications services. The Commanders shall make appropriate arrangements for the inclusion in the Force of such supporting units as may be necessary to provide for the establishment, operation and maintenance of telecommunication and postal services within the area of operations and with the United Nations offices.

25. Maintenance and other services. The Commander shall arrange for the necessary supporting units to provide maintenance repairs and other services required for the operation of the Force.

26. Medical, dental and sanitary services. The Commander shall arrange for the necessary supporting units to provide medical, dental and sanitary services for all personnel and shall make such other arrangements as may be necessary.

1 United Nations: ST/SBG/Staff Rules/1.
27. **Contracts.** The Commander shall enter into contracts and make commitments for the purpose of carrying out his functions under these Regulations.

28. **Public information.** Public information activities of the Force and relations of the Force with the Press and other information media shall be the responsibility of the Commander acting in accordance with policy defined by the Secretary-General.

**CHAPTER V. RIGHTS AND DUTIES OF MEMBERS OF THE FORCE**

29. **Respect for local law and conduct befitting international status.** It is the duty of members of the Force to respect the laws and regulations of a Host State and to refrain from any activity of a political character in a Host State or other action incompatible with the international nature of their duties. They shall conduct themselves at all times in a manner befitting their status as members of the United Nations Emergency Force.

30. **United Nations legal protection.** Members of the Force are entitled to the legal protection of the United Nations and shall be regarded as agents of the United Nations for the purpose of such protection.

31. **Instructions.** In the performance of their duties for the Force the members of the Force shall receive their instructions only from the Commander and the chain of command designated by him.

32. **Discretion and non-communication of information.** Members of the Force shall exercise the utmost discretion in regard to all matters relating to their duties and functions. They shall not communicate to any person any information known to them by reason of their position with the Force which has not been made public, except in the course of their duties or by authorization of the Commander. The obligations of this Regulation do not cease upon the termination of their assignment with the Force.

33. **Honours and remuneration from external sources.** No member of the Force may accept any honour, decoration, favour, gift or remuneration incompatible with the individual's status and functions as a member of the Force.

34. **Jurisdiction.** (a) Members of the Force shall be subject to the criminal jurisdiction of their respective national States in accordance with the laws and regulations of those States. They shall not be subject to the criminal jurisdiction of the courts of the Host State. Responsibility for the exercise of criminal jurisdiction shall rest with the authorities of the State concerned, including as appropriate the commanders of the national contingents.

(b) Members of the Force shall not be subject to the civil jurisdiction of the courts of the Host State or to other legal process in any matter relating to their official duties.

(c) Members of the Force shall remain subject to the military rules and regulations of their respective national States without derogating from their responsibilities as members of the Force as defined in these Regulations and any rules made pursuant thereto.

(d) Disputes involving the Force and its members shall be settled in accordance with such procedures provided by the Secretary-General as may be required, including the establishment of a claims commission or
commissions. Supplemental instructions defining the jurisdiction of such commissions or other bodies as may be established shall be issued by the Secretary-General in accordance with article 3 of these Regulations.

35. Customs duties and foreign exchange regulations. Members of the Force shall comply with such arrangements regarding customs and foreign exchange regulations as may be made between the Host State concerned and the United Nations.

36. Identity cards. The Commander, under the authority of the Secretary-General, shall provide for the issuance and use of personal identity cards certifying that the bearer is a member of the United Nations Emergency Force. Members of the Force may be required to present, but not to surrender, their identity cards upon demand of an appropriate authority of a State in which the Force operates.

37. Driving. In driving vehicles members of the Force shall exercise the utmost care at all times. Orders concerning driving of service vehicles and permits or licences for such operation shall be issued by the Commander.

38. Pay. Responsibility for pay of members of the Force shall rest with their respective national State. They shall be paid in the field in accordance with arrangements to be made between the appropriate pay officer of their respective national State and the Commander.

39. Overseas service allowance. The Secretary-General shall fix a scale for a daily overseas service allowance not to exceed one US dollar ($1.00) a day to be paid by the United Nations in the appropriate currency to those members of the Force determined to be eligible for such allowance. Eligibility and entitlement shall be decided by the Commander in accordance with conditions prescribed in rules provided by him in accordance with article 4 of these Regulations.

40. Service-incurred death, injury or illness. In the event of death, injury or illness of a member of the Force attributable to service with the Force, the respective State from whose military services the member has come will be responsible for such benefits or compensation awards as may be payable under the laws and regulations applicable to service in the armed forces of that State. The Commander shall have responsibility for arrangements concerning the body and personal property of a deceased member of the Force.

41. Dependents. Members of the Force may not be accompanied to their duty station by members of their families except where expressly authorized and in accordance with conditions prescribed by the Commander.

42. Leave. The Commander shall provide conditions for the granting of passes and leave.

43. Promotions. Promotions in rank for members of the Force remain the responsibility of the Participating Government.

CHAPTER VI. APPLICABILITY OF INTERNATIONAL CONVENTIONS

44. Observance of Conventions. The Force shall observe the principles and spirit of the general international Conventions applicable to the conduct of military personnel.

I

HQ UNEF ME
GAZA

21 December 1957

Sir,

I have the honour to refer to my Aide-Mémoire dated 29 October 1957 concerning my discussions with the Prime Minister of Lebanon and to my letter of today's date with respect to arrangements for the UNEF Postal System. In this connection, since the UNEF air transport unit and other offices in Naples are being closed after 1 February 1958, it is desired to establish our transit unit at the Beirut International Airport on a more regular basis. This unit will consist of a small detachment handling UNEF personnel, supplies and mails passing through Lebanon to and from UNEF's area of operations.

I would, therefore, appreciate at this time confirmation that the principles covered in my discussions with the Prime Minister as set forth in the Aide-Mémoire referred to above will apply to the operations of this unit. I believe that there can be no question that UNEF, as a subsidiary organ of the UNO established by the General Assembly, is entitled to the benefits of the Convention on the Privileges and Immunities of the United Nations to which Lebanon is a party. I also believe that there should be no difficulty in recognizing that the provisions contained in our exchange of letters of 20 and 29 April 1957 concerning the UNEF Leave Centre in Lebanon should apply mutatis mutandis to the present operation.

With respect to paragraph 2 of my letter of 20 April I should like to request your agreement that for members of the Force passing through Lebanon at the beginning and end of their tour of duty with UNEF, the personal "I" card issued by the appropriate authority of the Participating State will be accepted in lieu of the UNEF "I" card, since the latter card will not be in their possession at that time.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) E. L. M. BURNS
Major-General
Commander, UNEF

His Excellency the Minister for Foreign Affairs
Ministry of Foreign Affairs
Beirut, Lebanon

1 Came into force on 20 January 1958 by the exchange of the said letters.
Following discussions with the Prime Minister this morning the Commander, UNEF wishes to set forth the following information and considerations with respect to the proposed use of the Beirut International Airport as a transhipment point for UNEF personnel, supplies and mail between Naples and El Arish or other UNEF bases.

It is expected that from about 1 December 1957, following the beginning of the rainy season, the UNEF air base at El Arish will cease to be usable for C119 aircraft. At that time the United Nations desires that its C119 flights from Naples should terminate at the Beirut International Airport and that its airborne supplies, mail and personnel be transhipped from there by Dakota (C47) aircraft to El Arish or other UNEF bases. It is estimated that approximately one C119 will arrive in Beirut every three days and will depart for its return flight to Naples the following day. It is also estimated that approximately one Dakota aircraft will arrive and depart each day in connection with this operation.

It is not foreseen that any serious problem will arise. Only official United Nations operations are involved. UNEF, as a subsidiary organ of the United Nations established by the General Assembly, is of course entitled to the benefits of the Convention on the Privileges and Immunities of the United Nations to which Lebanon is a party. This has been expressly recognized in the agreement concerning the UNEF Leave Centre in Lebanon. The same principles which are applicable to all United Nations operations and to the UNEF activities in Lebanon in connection with the Leave Centre would apply to the present operation. It may be further noted that the supplies and mail will be transhipped from one United Nations plane to another at the Beirut International Airfield and will not be removed from the Customs Zone. It is therefore hoped that all customs and other formalities may be dispensed with in order to avoid any possible occasion for delay. Delay with respect to essential airborne supplies could seriously affect the operations of the United Nations Emergency Force.

Arrangements for adequate office and storage space and for the use of technical and maintenance facilities are being made in direct discussions with the Directorate of Civil Aviation.

Beirut, 29 October 1957

E. L. M. Burns
Major-General
Commander, UNEF
II
REPUBLIQUE LIBANAISE
MINISTÈRE DES AFFAIRES ÉTRANGÈRES ET DES LIBANAISS D'OUTRE-MER
LE MINISTRE

1053/5/61/3
Beirut, January 20, 1958

Major-General E. L. M. Burns
Commander, UNEF
Gaza, Egypt

Sir:

I have the honour to refer to your aide-mémoire dated October 29, 1957, concerning the discussions you had with the Prime Minister of Lebanon and to your letter of December 21, 1957, in which you had stated it is the UNEF's intention to establish, after the closure of its offices in Naples, a transit unit at the Beirut International Airport on a more regular basis and that this unit will handle the UNEF personnel, supplies and mails passing through Lebanon to and from the UNEF's area of operations.

Confirming the agreement in principle of the Government of Lebanon to the above proposed arrangements conveyed to your representatives on my behalf by my representative, Mr. E. Ghorra, at the conclusion of their meeting on December 26, 1957, I am happy to inform you further that our exchange of letters of April 20 and 29, 1957, concerning the UNEF Leave Center is applicable mutatis mutandis to the present operation.

My Government is also agreeable to the members of the Force carrying the personal "I" card issued by the appropriate authorities of the participating states in lieu of the UNEF "I" card, when passing through Lebanon at the beginning or end of their tour of duty.

Accept, Sir, the assurances of my highest consideration.

Charles Malik
Minister for Foreign Affairs


I
HQ UNEF ME
GAZA, EGYPT

21 Dec. 57

Sir,

I have the honour to refer to my conversations with the Prime Minister of Lebanon on 29 October 1957 concerning facilities for the use of the Beirut International Airport as a transhipment point for UNEF personnel,

¹ Came into force on 20 January 1958 by the exchange of the said letters.
supplies and mail, and to my Aide-Mémoire delivered to your Ministry on the same date. I should like at this time to propose further arrangements concerning the handling of UNEF mail.

As you undoubtedly know UNEF has up to the present time maintained a Base Post Office in Naples and the Italian postal administration has acted as the "administration of origin" for UNEF outbound mail and the "administration of destination" for UNEF inbound mail. On approximately 1 February 1958, however, the regular flights of UNEF aircraft between Naples and UNEF's area of operations will come to an end and it will be necessary to close the UNEF Base Post Office in Naples. At that time it is desired to put into effect arrangements for Lebanon to replace Italy as the "administration of origin and destination" for UNEF mails, and to handle such mails through Beirut in accordance with the enclosed summary. I understand that the Lebanese Postal Administration is in principle willing to take over the functions which have up to this time been performed by the Italian Postal Administration, and I would appreciate having confirmation of your Government's acceptance.

Since it will be necessary to give sufficient notice to the Participating States and to the Universal Postal Union, I would appreciate having your reply at the earliest possible opportunity.

Accept, Sir, the renewed assurances of my highest consideration.

E. L. M. Burns
Major-General
Commander, UNEF

His Excellency the Minister for Foreign Affairs
Ministry of Foreign Affairs
Beirut, Lebanon

SUMMARY OF ARRANGEMENTS FOR THE HANDLING OF MAIL OF THE UNITED NATIONS EMERGENCY FORCE

The following arrangements, based on present practice with respect to UNEF mails, as accepted by the governments and postal authorities concerned, are proposed in order (a) to ensure prompt and effective processing and transmission of correspondence addressed to members of UNEF and of mail by them, and (b) to grant the free mailing privilege for private correspondence sent by members of UNEF. This free mailing privilege extends, at present, only to letter-mail, postcards and similar forms of correspondence.

1. Basis of arrangements

(i) All mail addressed to or emanating from members of UNEF will be channeled through a UNEF Base Post Office which will be established at Beirut, Lebanon. As between this Base Post Office and another UNEF Base Post Office established in the area of operations of UNEF in the Middle East, mail shall be transported by UNEF air shuttle.

(ii) In accordance with arrangements to be made with the Lebanese Government, the Lebanese postal administration will forward to UNEF BPO at Beirut all mail addressed to UNEF and will accept to forward to the Participating countries (i.e., countries providing military contingents to UNEF) mail emanating from UNEF and transmitted by UNEF BPO
Beirut. (The Lebanese postal administration will become, thus, the "Administration of origin" for UNEF outbound mail and the "Administration of destination" for UNEF inbound mail.)

(iii) The postal administration of each Participating government has accepted to deliver to addresses in the latter’s territories through normal postal channels, UNEF mail received under these arrangements. The postal administration of each Participating government has designated for this purpose a "central postal address".

All outbound UNEF mail shall be addressed to and delivered to the "central postal address" of each Participating country. Mail originating in Participating countries and addressed to members of UNEF will carry the addresses stated in paragraph 2A below.

(iv) Outbound UNEF mail destined to addresses within countries other than Participating countries will be forwarded to UNEF BPO, Lebanon and will be mailed under international postal rates at UNEF expense. The Lebanese postal stamps will be affixed in accordance with arrangements with the Lebanese postal administration.

2. DETAILS OF IMPLEMENTATION

A. Particulars for handling inbound mail

Inbound mail addressed to UNEF personnel shall consist of all normal classes of mail accepted by the various postal administrations in the countries of origin and shall be addressed and handled as follows:

(i) mail originating in a Participating country and addressed to a member of the military contingent of such country shall be addressed in such manner as the various Participating countries shall decide. This mail shall be transported in closed bags through channels of the postal administration of origin with a despatch label addressed:

From (name of country)
To UNEF Base Post Office
Beirut, Lebanon

(ii) all other mail shall be transported through normal civil postal channels and shall be addressed

Rank, name and service number
Military unit (followed by name of country)
UNEF Base Post Office
Beirut, Lebanon

1 All inbound and outbound mail, including all types of parcels, shall be treated as mail in transit and as such shall be exempt from Lebanese regulations concerning customs, censorship and currency control.

2 "Outbound mail" as used herein refers to mail despatched from the UNEF area; "inbound mail" as used herein refers to mail despatched to the UNEF area.

3 These addresses are presently as follows:

Rio de Janeiro, Brazil Copenhagen, Denmark
Bogota, Colombia Oslo, Norway
Montreal, Canada Malmo, Sweden

At present India and Yugoslavia will route their mail through Cairo instead of the UNEF Base Post Office, Beirut.
B. Particulars for handling outbound mail

(i) All outbound free mail shall be in conformity with regulations prescribed by the United Nations as to the weight and types of paper and mail envelopes and shall bear on the upper left hand margin of the envelope the return address of the sender as follows:

- Rank, name, and service number
- Military unit
- UNEF (and name of country)

(ii) All outbound free mail shall be collected at the BPO in the UNEF Area of operations and the stamp imprint shall be affixed in the upper right hand corner or otherwise conspicuously in a space customarily used for postage stamps. This “franking” cancellation shall appear as follows with an imprint of the United Nations Seal:

United Nations Emergency Force
(Date cancellation)

(iii) After cancellation, this mail shall be placed in bags according to Participating countries of destination; these bags shall be closed and addressed to the “central postal addresses” for each of the Participating countries.

(iv) Outbound mail shall be transported to the BPO, Beirut, Lebanon accompanied by the normal international manifest forms identifying the bags and weights. The BPO at Beirut shall transfer UNEF outbound mail to the Lebanese postal administration for delivery through normal air mail channels to the Participating countries of destination.

II

RÉPUBLIQUE LIBANAISE
MINISTÈRE DES AFFAIRES ÉTRANGÈRES ET DES LIBANAISS D’OUTRE-MER
LE MINISTRE

1054/5/61/3

Beirut, January 20, 1958

Major-General E. L. M. Burns
Commander, UNEF
Gaza, Egypt

Sir:

I have the honour to refer to your letter of December 21st, 1957, and to the conversations you had with the Prime Minister of Lebanon on October 29, 1957, concerning facilities for the use of the Beirut International Airport as a transhipment point for the UNEF personnel, supplies and mail.

I take note of the UNEF’s intention to put into effect arrangements for Lebanon to replace Italy as the “Administration of origin and destination” for the UNEF mails, to establish in Beirut a UNEF base Post Office in lieu of Naples and to have these mails handled by the Lebanese Postal Administration.
Confirming the Government of Lebanon’s agreement in principle to these arrangements conveyed on my behalf by my representative, Mr. Edward Ghorra, to your representatives at the conclusion of their meeting on the 26th of December, 1957, I wish hereby to inform you that the "Ministère des Postes et Télégraphes" has already taken the necessary steps to implement our agreement on or about the first of February, 1958.

It is our understanding that the above arrangement shall be carried out by both parties according to the obligations emanating from Lebanon’s membership in the Universal Postal Union. It is also our understanding that the UNEF will pay the Lebanese Postal Administration all expenses defrayed by it in the execution of this arrangement and that payment shall be made in Beirut in United States dollars at the official rate of the dollar established by U.P.U.

Accept, Sir, the renewed assurances of my highest consideration.

Charles Malik
Minister for Foreign Affairs

III
UNEF HEADQUARTERS
GAZA

5 February 1958

Sir,

I have the honour to acknowledge receipt of your letter No. 1054/5/61/3 of 20 January 1958, in which you express your agreement to the proposals in my letter to you of 21 December 1957 concerning UNEF postal arrangements with your Government. I am pleased to confirm the understandings set forth in the final paragraph of your letter, subject to the clarification which has been made with your postal authorities that the expenses to be charged to UNEF are the transit charges only on "UNEF free mail" according to Universal Postal Union schedules.

May I take this opportunity to express my sincere appreciation for the cooperation and assistance which have been received from the officials of your Government enabling the smooth transfer of our postal facilities from Naples to Beirut.

Accept, Sir, the renewed assurances of my highest consideration.

E. L. M. Burns
Lieutenant-General
Commander, UNEF

His Excellency Dr. Charles Malik
Minister for Foreign Affairs
Beirut, Lebanon
25. Exchange of Letters constituting an Agreement\(^1\) between the United Nations and the Government of Egypt regarding the Clearance of the Suez Canal. New York, 8 January 1957 \(^2\)

I

8 January 1957

Sir,

I have the honour to refer to the request of the Government of Egypt for assistance of the United Nations in arrangements for clearing the Suez Canal.

In accordance with the authority which has been granted to the Secretary-General by the General Assembly, and on the basis of preliminary exploration and negotiation, I am in a position to advise you that the United Nations would be prepared to assist the Government of Egypt by undertaking the operation necessary for the speedy clearance of the Canal. The general plans for this assistance would be elaborated in consultation with the Government of Egypt and, when approved by the Government, implemented under the instructions of the Secretary-General. The Secretary-General would be authorized by the Government of Egypt to carry out the task as a matter of priority as effectively and expeditiously as practicable with freedom for him to use the equipment available which he finds necessary for the operation.

It is envisaged that the United Nations would conduct the clearance operation through contractual arrangements with private firms which would have the primary responsibility for the work under the direction and control of the Secretary-General and his special representative. Such sub-contractual arrangements as may have to be entered into by the prime contractors in order to expedite the work would be subject to the approval of the Secretary-General.

The undertaking would be regarded as a United Nations enterprise and its personnel would be under obligation to discharge their functions and regulate their conduct solely in the interests of the United Nations. In keeping with the United Nations responsibilities, the vessels would fly the flag of the United Nations in place of their national flags. The property and persons engaged in the clearance operation (including the contractors, sub-contractor and their personnel) would, in view of their United Nations character, be covered by the Convention on the Privileges and Immunities of the United Nations to which Egypt is a party, in so far as it may be applicable mutatis mutandis. In the application of the aforesaid Convention the United Nations shall pay due regard to any representations made by the Government of Egypt in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

As the clearance of the Canal has to be completed with the utmost speed and effectiveness, the United Nations, in consultation with the Egyptian Government, will take all measures required in order to avoid unnecessary damage to persons and property. It is understood that the United Nations would not incur responsibility for possible damage to Egyptian ships lying in the Canal from such activities as it considers necessary to speed the clear-

\(^1\) Came into force on 8 January 1957 by the exchange of the said letters.

ance of the Canal. It would also be understood that the United Nations would retain the rights of a salvor in respect of vessels or property salvaged in the course of the clearance operations, other than vessels and property of the Government of Egypt.

The United Nations will, of course, keep the Government of Egypt currently and fully informed of the progress of the operations and the Government will, I am sure, render all such assistance as may be required by the United Nations for this task.

If the points set forth in this letter are acceptable to the Government of Egypt, this letter and the reply of the Government will be considered as constituting an agreement between Egypt and the United Nations, effective from the date of the reply.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Dag Hammarskjold
Secretary-General

His Excellency Dr. Mahmoud Fawzi
Minister for Foreign Affairs of Egypt
Permanent Mission of Egypt to the United Nations
New York

II

8 January 1957

Sir,

I have the honour to refer to your letter of 8 January 1957 in which you have been so good as to inform me that the United Nations would be prepared to assist the Government of Egypt by undertaking the operation necessary for the speedy clearance of the Suez Canal, and I have the pleasure to advise you in the name of the Government of Egypt of its full agreement on, and acceptance of, the terms of your letter. You may rest assured that the Government of Egypt will give its fullest co-operation and assistance to the operation.

The Government of Egypt agrees, furthermore, that your letter and this reply will be considered as constituting an agreement between Egypt and the United Nations.

I take this opportunity, Sir, to renew the assurances of my highest consideration.

(Signed) Mahmoud Fawzi
Minister for Foreign Affairs

His Excellency Mr. Dag Hammarskjold
Secretary-General
New York

I

PO 230 Leb (1)  

13 June 1958

Sir,

I have the honour to refer to the resolution of 11 June 1958,\(^3\) by which the United Nations Security Council decided to dispatch urgently an “observation group to proceed to Lebanon so as to ensure that there is no illegal infiltration of personnel or supply of arms or other material across the Lebanese borders”, and authorized the Secretary-General to take the necessary steps to that end.

In view of the special importance and difficult nature of the functions which this Observation Group will perform, I would propose that, with the operation as now envisaged, your Government might agree to extend to the Observation Group consisting of three senior members, the United Nations military observers and the United Nations Secretariat—over and above the status which they enjoy under the Convention on the Privileges and Immunities of the United Nations—the privileges and immunities, exemptions and facilities which are enjoyed by diplomatic envoys in accordance with international law. The privileges and immunities necessary for the fulfilment of the functions of the Observation Group also include freedom of entry, without delay or hindrance, of property, equipment and spare parts; freedom of movement of personnel, equipment and transport; the use of United Nations vehicle registration plates; the right to fly the United Nations flag on premises, observation posts and vehicles; and the right of unrestricted communication by radio, both within the area of operations and to connect with the United Nations radio network, as well as by telephone, telegraph or other means.

It is my understanding that the Lebanese Government will provide at its own expense, in agreement with the Representative of the Secretariat, all such premises as may be necessary for the accommodation and fulfilment of the functions of the Observation Group, including office space and areas for observation posts and field centres. All such premises shall be inviolable and subject to the exclusive control and authority of the Observation Group. I likewise understand that your Government will in consultation with the Observation Group provide for necessary means of transportation and communication.

If these proposals meet with your approval, I should like to suggest that this letter and your reply should constitute an agreement between the United

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\(^1\) Came into force on 12 June 1958, the date of arrival of the first members of the United Nations Observation Group in Lebanon, in accordance with the provisions of the said letters.


\(^3\) United Nations document S/4023.
Nations and Lebanon, to take effect from the date of the arrival of the first members of the Observation Group in Lebanon.

Accept, Sir, the assurances of my highest consideration.

Dag Hammarskjold
Secretary-General

His Excellency Dr. Charles Malik
Minister for Foreign Affairs

II
PERMANENT MISSION OF LEBANON
TO THE UNITED NATIONS
NEW YORK

Excellency,

13 June 1958

I have the honour to refer to your letter of 13 June 1958 concerning certain privileges, immunities and facilities for the Observation Group established by Security Council Resolution of 11 June 1958. I am pleased to advise you in the name of my Government that, having in mind the difficult nature of the functions of the Observation Group, the Government of Lebanon fully agrees with and hereby expresses its acceptance of the terms of your letter. The Government of Lebanon also agrees that your letter and this reply should constitute an agreement between the United Nations and Lebanon, effective from the date of the arrival of the first members of the Observation Group in Lebanon.

Please accept, Excellency, the assurances of my highest consideration.

Charles Malik
Minister for Foreign Affairs
of the Republic of Lebanon


1
PO 230 Leb (1)

Sir,

26 June 1958

I have the honour to refer to our exchange of letters of 13 June 1958 determining the privileges and immunities to be enjoyed by the members of, and specified personnel associated with, the United Nations Observation Group in Lebanon established by the Security Council in its resolution of 11 June 1958.²

¹ Came into force on 30 June 1958 by the exchange of the said letters.
In view of the various technical services and functions which may prove necessary in support of the work of the Observation Group in Lebanon, I should like to propose that the same privileges and immunities accorded to the categories of persons mentioned in our exchange of letters of 13 June should also be extended by your Government to experts sent to Lebanon to perform missions in connexion with the work of the United Nations Observation Group in Lebanon.

If this proposal meets with your approval, I would suggest that this letter and your reply might be treated as an amendment to the agreement effected by our exchange of letters of 13 June.

Accept, Sir, the assurances of my highest consideration.

Dag Hammarskjold
Secretary-General

His Excellency Dr. Charles Malik
Minister for Foreign Affairs
Beirut, Lebanon

II

PERMANENT MISSION OF LEBANON
TO THE UNITED NATIONS
NEW YORK

30 June 1958

Sir,

I have the honour to refer to your letter of 26 June 1958, proposing an amendment to the agreement effected by our exchange of letters of 13 June 1958 establishing the privileges and immunities of the United Nations Observation Group in Lebanon.

Having in mind the necessity of providing the Observation Group with essential technical services, I am pleased to advise that the Government of Lebanon accepts your proposal and agrees to extend the same privileges and immunities as accorded in our exchange of letters of 13 June to such experts as may be sent to Lebanon to perform missions in connexion with the work of the United Nations Observation Group in Lebanon.

Accept, Sir, the assurances of my highest consideration.

Charles Malik
Minister for Foreign Affairs

His Excellency Mr. Dag Hammarskjold
Secretary-General
United Nations
New York
27. Exchange of Letters constituting an Agreement¹ between the United Nations and the Hashemite Kingdom of Jordan concerning Arrangements for the stationing in the Hashemite Kingdom of Jordan of a Subsidiary Organ of the United Nations under the Charge of a Special Representative of the Secretary-General. Amman, 8 and 18 November 1958²

I

Amman, 8 November 1958

Sir,

I have the honour to refer to the agreement between the Secretary-General of the United Nations and your Government for the stationing in the Hashemite Kingdom of Jordan of a subsidiary organ of the United Nations under the charge of a Special Representative of the Secretary-General, as a “practical arrangement” within the purview of the resolution of the General Assembly of 21 August 1958,³ with the task of helping to uphold the principles and purposes of the Charter in relation to Jordan in present circumstances, including the development of a good-neighbour policy towards Jordan.

2. In view of the special functions and importance of this United Nations organ, I have the honour to propose that your Government extend to the Special Representative of the Secretary-General and to officials of the United Nations assigned to his staff—over and above the status which they and the organ enjoy under the Convention on the Privileges and Immunities of the United Nations, to which your Government acceded on 3 January 1958—the privileges and immunities, exemptions and facilities which are enjoyed by diplomatic envoys in accordance with international law. The privileges and immunities necessary for the full exercise of the functions of the United Nations organ will also include freedom of entry and departure, without delay or hindrance, of its personnel and property, and full freedom of movement throughout Jordan, subject to the understanding that the responsibility will rest with the United Nations to carry out any security measures with regard to transport by United Nations vehicles, taking due account of local laws and regulations in this respect; the right to fly the United Nations flag on its premises and vehicles or otherwise in connexion with its official business; the right to operate United Nations vehicles and the use of United Nations registration plates; the recognition of personal identity cards to be issued by the Special Representative; the right of unrestricted communication by radio, through the operation of fixed or mobile sending and receiving stations within Jordan, and for connexion with the United Nations radio network, as well as by telephone, telegraph or other means; and the use of airfields by aircraft in the service of the United Nations without the payment of fees or charges except those directly related to services rendered.

¹ Came into force on 27 September 1958, the date of arrival in Jordan of the Special Representative, in accordance with the provisions of the said letters.


3. It is my understanding that your Government will assist in providing, at the request of the Special Representative of the Secretary-General, such premises as may be necessary for the accommodation and fulfillment of the functions of the United Nations organ, these to be inviolable and subject to the exclusive control and authority of the Special Representative. I likewise understand that the Special Representative may call upon your Government for assistance in the acquisition of living accommodations for the personnel serving with him and for the procurement of such supplies and equipment that the Special Representative may request and that are locally available.

4. Finally, it is my understanding that your Government will, to the extent requested, render assistance to the Special Representative in the recruitment of local staff, who shall enjoy immunity concerning official acts provided in Section 18 (a) of the Convention and freedom of movement within Jordan in the exercise of their official functions, and that their appointment and service shall be upon conditions to be within the exclusive authority of the Special Representative.

5. If these proposals meet with the approval of your Government I should like to suggest that this letter and your reply should constitute an agreement between the United Nations and the Hashemite Kingdom of Jordan, to take effect from 27 September 1958, the date of the arrival in Jordan of the Special Representative.

Accept, Sir, the renewed assurances of my highest consideration.

P. P. Spinelli
Special Representative of the Secretary-General

His Excellency Mr. Samir Rifai
Prime Minister and Minister for Foreign Affairs
The Hashemite Kingdom of Jordan
Amman

II

[TRANSLATION — TRADUCTION]

office of the prime minister

No. 1/103/P/10164

Amman, 18 November 1958

Mr. Pier Spinelli
United Nations Ambassador
Amman

I have the honour to refer to your letter dated 8 November 1958 in the following terms:

[See letter I]

I am happy to inform you that the Government of the Hashemite Kingdom of Jordan has decided to approve the foregoing and to consider your letter aforementioned and this reply as constituting an agreement between the Jordanian Government and the United Nations, to take effect from 27 September 1958.

I have the honour to be, etc.

Samir al-Rifai
Prime Minister and Minister of Foreign Affairs

Copy to the Ministry of Foreign Affairs.
III

Amman, 8 November 1958

Sir,

I have the honour to refer to my letter of even date which sets forth proposed arrangements for the stationing in the Hashemite Kingdom of Jordan of a subsidiary organ of the United Nations under the charge of a Special Representative of the Secretary-General, which, together with your reply dated 8 November 1958, constitutes an agreement between the United Nations and the Hashemite Kingdom of Jordan with effect from 27 September 1958.

I have the honour now to confirm the understanding we have reached concerning interpretation of certain of the proposals agreed upon in the exchange of letters under reference:

With respect to the arrangements described in paragraph 3 of my letter under reference, it is understood and agreed that payment would be made at reasonable rates, for any privately owned accommodation, and for supplies and equipment obtained by the Special Representative with the assistance of your Government.

With reference to the status of local staff described in paragraph 4 of my letter under reference, it is understood that, although local staff engaged by the Special Representative shall be subject to national laws in general, their status with respect to jurisdictional immunity concerning official acts is governed by Section 18 (a) of the Convention on the Privileges and Immunities of the United Nations.

I would be most grateful for written confirmation that the interpretations described above meet with the approval of your Government.

Accept, Sir, the renewed assurances of my highest consideration.

P. P. SPINELLI
Special Representative of the Secretary-General

His Excellency Mr. Samir Rifai
Prime Minister and Minister for Foreign Affairs
Hashemite Kingdom of Jordan
Amman

IV

[TRANSLATION — TRADUCTION]

office of the prime minister

Amman, 18 November 1958

Mr. Pier Spinelli
United Nations Ambassador
Amman

With reference to your letter dated 8 November 1958 containing the text of the mutual understanding reached concerning the interpretation of certain of the points agreed upon pursuant to your letter dated 8 November 1958 and my reply No. 1/103/P/10164 dated 18 November 1958, I wish to
inform you that the Jordanian Government confirms the interpretations agreed upon as described in your letter aforementioned.

I have the honour to be, etc.

Samir AL-RIFAI
Prime Minister and Minister of Foreign Affairs

Copy to the Ministry of Foreign Affairs.

28. Exchange of Letters between the Secretary-General of the United Nations and the Minister of Foreign Affairs of Lebanon concerning Privileges and Immunities to be applied by the Government of Lebanon to the 1949 Session of the Commission on the Status of Women at Beirut. 17 January and 15 February 1949

A. Letter and attached aide mémoire from the Secretary-General of the United Nations to the Minister of Foreign Affairs of Lebanon

17 January 1949

Your Excellency,

I have the honour to draw your attention to section D of resolution 120 (VI), adopted by the United Nations Economic and Social Council on 3 March 1948, which states:

"The Economic and Social Council, having regard to the invitation of the Government of Lebanon that the Commission on the Status of Women should hold its session of 1949 in that country, requests the Secretary-General to make suitable arrangements for holding the 1949 session of the Commission in Lebanon, to last not more than three weeks, provided that he should further consult the Council at its seventh session if the arrangements are found to involve substantial extra costs to the United Nations over those of a meeting at Headquarters;"

Accordingly I have the honour to give below particulars regarding the arrangements to be made and the facilities to be granted by the Lebanese Government for the 1949 session of the Commission on the Status of Women at Beirut:

\[\ldots\]

(9) As Lebanon has not yet acceded to the Convention on the Privileges and Immunities of the United Nations,¹ the privileges and immunities to be enjoyed by the Commission in Lebanese territory have been specified in a document annexed hereto.

H.E. The Minister of Foreign Affairs
of the Republic of Lebanon,
Beirut, Lebanon.

¹ Lebanon acceded to the Convention on the Privileges and Immunities of the United Nations on 10 March 1949.
This document provides that the Lebanese Government will extend to the Commission, to the representatives of the countries which are members thereof, and to its Secretariat, some of the privileges specified in the said Convention. It also reproduces, with regard to the question of free access to the conference area of the Commission, the provisions contained in the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations.

It should be mentioned in this connexion that those provisions, which are of an essential nature, were reproduced in the agreement specifying the privileges and immunities to be granted to the United Nations by the French Government during the holding of the third session of the General Assembly in Paris, and, furthermore, that the need to guarantee free access to the Headquarters of the United Nations, and to any other premises in which the United Nations may hold meetings, was emphasized during the recent discussions of the Legal Committee of the General Assembly.

I have the honour to be, etc.

(Signed) Trygve Lie
Secretary-General

Privileges and Immunities to be Accorded by the Lebanese Government to the Commission on the Status of Women, to the Representatives of the States Members Thereof, and to its Secretariat

A. Inviolability and protection of the premises placed at the disposal of the Commission on the Status of Women ¹ for the duration of its session

I

The premises placed at the disposal of the Commission for the duration of its session shall be inviolable. They shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

The premises shall be considered premises of the United Nations and shall be placed under the control and authority of the United Nations, which shall have the sole right to authorize or forbid access thereto and to expel any person therefrom.

II

The competent Lebanese authorities shall take the necessary measures to ensure that the tranquillity of the premises specified in section I is not disturbed by the unauthorized entry of groups of persons or by disturbances of the peace occurring in the immediate vicinity. To that end they shall provide all necessary police protection outside the said premises.

If so requested by the competent authority of the United Nations, a sufficient number of police shall be provided for the preservation of law and order inside the premises specified in section I and for the removal therefrom of persons as requested under the authority of the United Nations.

¹ Hereinafter referred to simply by the short title "the Commission".
The premises described in section I shall remain at the disposal of the Commission for the duration of its session, the duration to include a preparatory period to commence fifteen days before the date appointed for the opening of the session and a liquidation period of fifteen days to follow the official closure of the Commission's session.

B. Freedom of access to the premises placed at the disposal of the Commission and right of entry into and sojourn in Lebanese territory

Freedom of access to the premises of the Commission is guaranteed without restriction.

The Lebanese Government undertakes to authorize the entry into Lebanon, without visa costs or delay, and the sojourn in Beirut for the duration of their functions with, or mission to, the Commission, of the following persons:

(a) Representatives of Member States and officials of the United Nations;

(b) Representatives of the press, radio, cinema and any other information agencies approved by the United Nations. The United Nations will communicate to the Lebanese Government, eight days in advance, the names of the persons concerned;

(c) Persons designated by the specialized agencies or the non-governmental organizations admitted to consultative status by the United Nations, to represent them before the Commission;

(d) Any other persons invited by the Commission on official business.

Without prejudice to any special immunities they may enjoy, the persons referred to in the foregoing paragraphs shall not, during the entire length of their functions or mission, including the time of travel in Lebanese territory, be liable to arrest, to seizure of their personal baggage or to expulsion proceedings, unless they have abused the privileges of sojourn accorded to them hereby by engaging, in Lebanese territory, in an activity irrelevant to their functions and punishable under Lebanese law.

C. Status

Representatives of States Members of the United Nations, members of the Secretariat and experts appointed by the United Nations shall enjoy, during the period of their mission to the Commission, including the time of travel in Lebanese territory, the benefit of the privileges, immunities, exemptions and facilities specified in articles IV, V and VI of the General Convention on the Privileges and Immunities of the United Nations.

D. United Nations laissez-passer

The Lebanese Government undertakes to recognize and accept as valid travel documents the laissez-passer issued by the United Nations.

E. Facilities in respect of communications and questions concerning property, funds and assets

The Commission shall enjoy the privileges and immunities specified in sections 2, 4, 5, 6, 7, 8 and 9 of the Convention on the Privileges and Immunities of the United Nations.
B. Cablegram from the Minister of Foreign Affairs of Lebanon to the Secretary-General of the United Nations

Cablegram
FROM: Hamid Frangie, Minister of Foreign Affairs of Lebanon, Beyrouth.
DATED: 15 February 1949
TO: Secretary-General

132/S have honour to inform you of Lebanese government's agreement to contents of your letter 9OA 175-02 JPH-CL concerning meeting of Commission on Status of Women. Lebanon acceded to Convention on Privileges and Immunities of United Nations on 11 November 1948. Deposit of instruments of ratification imminent.


A. Letter from the Permanent Representative of Uruguay to the Secretary-General of the United Nations

Delegation of Uruguay to the United Nations

Montevideo, 19 April 1950

The Secretary-General,
United Nations,
Lake Success, N.Y.

Sir,

Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Furthermore Article 105 of the Charter provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes, and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization. Accordingly I have the honour to inform you that for so long as Uruguay has not acceded to the Convention on the Privileges and Immunities of the United Nations, my Government will apply the provisions of the Convention in its relations with the United Nations and its officials, and with representatives of its Members and experts employed in United

1 Uruguay has not yet acceded to the Convention on the Privileges and Immunities of the United Nations.
Nations missions, and that during the sessions in Montevideo of the Sub-
Commission on Freedom of Information and of the Press and the Economic
Commission for Latin America, which are to commence in May 1950, the
Government of Uruguay is willing to grant the following privileges, immu-
nities and facilities:

**Premises**

The premises made available to the above Commissions for the duration of
their sessions will be inviolable and exempt from registration, occupation,
confiscation, expropriation or any other form of action resulting from exe-
cutive, administrative, judicial or legislative measures.

Such premises shall be deemed to be premises of the United Nations and
shall be placed under the control and authority of the United Nations and
the United Nations alone shall have the right to authorize or prohibit entry
to these premises and to expel any person from them.

The competent authorities of Uruguay shall make adequate arrangements
to prevent any disturbances in the said premises due to the unauthorized
entry of groups of persons or to disorders in their immediate vicinity. To
this end they shall supply any necessary police protection outside the
premises.

At the request of the competent United Nations authorities, police de-
tachments of adequate size to maintain order within the said premises and
expel any person therefrom shall be supplied, in conformity with any
instructions which may be issued under the authority of the United Nations.

The said premises shall remain at the disposal of the Commissions for the
duration of their sessions, and this duration shall include a preparatory
period prior to the date set for the opening of each session and a supplemen-
tary period immediately following the official closure thereof.

The Government of Uruguay shall place at the disposal of the United
Nations, free of charge, the necessary staff for the cleaning and care of the
premises.

**Freedom of access to the premises placed at the disposal of the Commissions,
and right of entry and sojourn in the territory of Uruguay**

Freedom of access to the premises of the Commissions is guaranteed with-
out restriction.

The Government of Uruguay undertakes to authorize the following per-
sons, who will be granted visas free of charge and for an unlimited period,
to enter Uruguay and sojourn in Montevideo for the duration of their duties
or missions in connexion with each Commission:

(a) Representatives of States Members and officials of the United Nations;

(b) Representatives of the press, the radio, the films and other information
    agencies recognized by the United Nations;

(c) Persons designated by the specialized agencies and non-governmental
    organizations granted consultative status by the United Nations and repre-
    senting such agencies or organizations in the Commissions;

(d) Any other persons invited by the Commissions for official purposes.

Without prejudice to any special immunities which may have been granted
to them, the persons referred to in the foregoing paragraphs shall enjoy
immunity, for the duration of their duties or missions including the travel
time through the territory of Uruguay, against personal detention or arrest, the seizure of their baggage and deportation measures, unless they abuse the privileges of residence granted to them by these presents by conducting activities in the territory of Uruguay unrelated to their duties and punishable under Uruguayan laws.

**Telecommunications**

In addition to the privileges accorded in this regard under the Convention on the Privileges and Immunities of the United Nations, the Government of Uruguay shall assume the responsibility for all necessary internal and external telephone installations. The Government of Uruguay shall not demand any sum as payment for the rent of telephone and telegraph equipment.

**Special privileges and immunities**

The Government of Uruguay has resolved to grant the privileges, immunities, exemptions and facilities accorded to diplomatic envoys accredited to the Government of Uruguay not only to the persons referred to in Section 19 of the Convention on the Privileges and Immunities of the United Nations but, in addition, for the duration of their duties including their travel time in the territory of Uruguay, to the following persons:

1. Representatives of States Members in the above-mentioned Commissions;
2. High officials of the United Nations, a list of whom shall be communicated to the Government of Uruguay. All other officials of the United Nations, including those engaged locally but excluding those paid by the hour, shall enjoy the privileges and immunities enumerated in Section 18 of the Convention on the Privileges and Immunities of the United Nations.

**Laissez-passer**

In addition, the Government of Uruguay undertakes, in accordance with the terms of the Convention on the Privileges and Immunities of the United Nations, to recognize the "laissez-passer" issued by the United Nations as valid travel documents.

(Signed) E. R. Fabregat
Enrique Rodriguez Fabregat
Permanent representative of Uruguay to the United Nations

**B. LETTER FROM THE ASSISTANT SECRETARY-GENERAL TO THE PERMANENT REPRESENTATIVE OF URUGUAY**

5 May 1950

Sir,

I am directed by the Secretary-General to acknowledge the receipt of your letter of 19 April 1950 relating to the Privileges and Immunities that the Uruguayan Government is willing to grant during the sessions, in Montevideo, of the Sub-Commission on the Freedom of Information and of the Press, and of the Economic Commission for Latin America.

I have taken due note of the contents of this communication and I shall not fail to forward you, in due course, the list of high officials of the United Nations who should enjoy, for the duration of their duties with the Com-
missions, including their travel time in the territory of Uruguay, the privileges and immunities as provided for in paragraph 2 of the heading of the paragraph of your letter, entitled “Special Privileges and Immunities”.

I have the honour to be,

Sir,

Your obedient Servant

Ivan Kerno
Assistant Secretary-General
Legal Department

30. Memorandum of Agreement between the Secretary-General of the United Nations and the Government of Chile concerning Facilities, Privileges and Immunities to be accorded by the Government of Chile to the Twelfth Session of the Economic and Social Council in Santiago, 30 January 1951

PART I. ADMINISTRATION AND FINANCE

Article VII. Police Protection

1. The Government shall furnish at its own expense such police protection as may be necessary to ensure the efficient functioning of the Conference without interference of any kind. Without restricting the generality of the preceding sentence, the Government shall station guards at such points in and around the Conference area as may be designated by the United Nations, and the Government shall also provide at its own expense police escorts and other police protection as and when required by the United Nations for the protection of personnel, furniture, equipment and supplies on such occasions and for such periods as the United Nations shall designate.

2. Without restricting the generality of this Article, the Government shall also provide at its own expense a sufficient number of police to ensure that the tranquility of the Conference area is not disturbed by any person or group of persons attempting unauthorized entry, or creating disturbances.

3. While all police furnished under the provisions of Sub-section 1 and 2 of this Article shall be under the administrative control of the Government, the United Nations may give the persons immediately in charge of all such police, such directions as the United Nations may see fit for the purpose of ensuring that the United Nations receives such protection as may be necessary for the purpose of conducting the Conference without any interference of any kind.

Article XI. Rate of Exchange

1. Any calculation relating to determining what is the equivalent of United States dollars in Chilean pesos shall be governed by the most favourable legal rate of exchange obtainable by the United Nations from any

1 Chile acceded to the Convention on the Privileges and Immunities of the United Nations on 15 October 1948.
source prevailing on the date on which any payment is required to be made under the terms of this Agreement.

2. The United Nations may at any time convert United States dollars into Chilean pesos at the most favourable legal rate of exchange obtainable by the United Nations from any source.

**PART II. PRIVILEGES AND IMMUNITIES**

*Article XIII. Status of Conference Area*

The Conference area for the purpose of this Agreement shall be regarded in every respect as being United Nations property. Without restricting the generality of the preceding sentence, the Conference area shall be under the control and authority of the United Nations which shall have the sole right to authorize or prohibit entry of any persons or any property to the Conference area or to remove any persons or property therefrom.

*Article XIV. Freedom of Entry*

1. The Government shall permit the following persons irrespective of their nationalities to enter and leave Chile at will and to sojourn in Chile for the duration of their duties in connexion with the Conference:

(a) Representatives of Member States and their families
(b) Officials of the United Nations and their families
(c) Officials of the Specialized Agencies and their families
(d) Representatives of non-governmental organizations granted consultative status to the Economic and Social Council of the United Nations
(e) Representatives of the Press, Radio, Film and other Information Agencies accredited by the United Nations
(f) Any other person invited by the United Nations to attend the Conference on official business related to the Conference

2. Any visas which may be required by any persons referred to in Sub-section 1 of this Article shall be granted as promptly as possible without charge, provided however that no visas shall be required for holders of United Nations laissez-passer.

*Article XV. Representatives of Member States*

1. The Government shall grant the privileges and immunities, exemptions, and facilities accorded to diplomatic envoys accredited to the Government, to the representatives of Member States to the Economic and Social Council regardless of whether or not the Government maintains diplomatic relations with the Governments of any such Member States.

*Article XVI. Status of Officials of the United Nations and of the Specialized Agencies*

1. The Government shall grant to all officials of the United Nations and to all officials of specialized agencies attending the Conference other than the personnel referred to in Sub-section 1 of Article VI the same privileges and immunities, exemptions and facilities as are accorded to diplomatic envoys of similar rank accredited to the Government. Personnel who are recruited under Sub-section 1 of Article VI, excluding such personnel as are paid at

2. A list of all officials of the United Nations, excluding the officials referred to in Sub-section 1 of Article VI, shall be communicated by the United Nations to the Government in due time before the opening of the Conference.

Article XVII. Customs

Without restricting the generality of the provisions of this Agreement, all property belonging to the United Nations and all personal baggage belonging to the persons enumerated in clauses (a), (b) and (c) of Sub-section 1 of Article XIV may be imported and exported from Chile free of all customs and excise or other taxes whatsoever.

PART III. GENERAL PROVISIONS

Article XVIII. Supplementary to Immunities Convention

The provisions of this Agreement shall be construed as being supplementary to the provisions of the Convention on the Privileges and Immunities of the United Nations as adopted by the General Assembly of the United Nations on 13 February 1946 which Convention shall be deemed in no way prejudiced or otherwise impaired by the provisions of this Agreement.

Article XIX. Liaison

The United Nations and the Government shall conduct all operations envisaged under the terms of this Agreement through appropriate liaison officers appointed for this purpose.


Whereas, upon the invitation of the Government of Mexico (said Government being hereafter referred to as “the Government”), the fourth session of the United Nations Economic Commission for Latin America (hereinafter being referred to as “the Conference”) shall be held in Mexico, the Conference to commence on 28 May 1951, and now, therefore, the Government and the United Nations hereby agree as follows:

Article I. Conference and office accommodations

1. The Government shall make available to the United Nations, without any expense to the latter, conference and office accommodations in the Social Security Building at Mexico City.

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1 Came into force on 20 May 1951, in accordance with article XI.
3 Mexico has not yet acceded to the Convention on the Privileges and Immunities of the United Nations.
2. The Government shall at its own expense suitably furnish and equip the Conference area, and provide such furniture, equipment, supplies and other items as may be necessary for the effective conduct of the Conference.

3. Without restricting the generality of this article, the Government shall provide suitable facilities for Press, radio and simultaneous interpretation operations in the Conference rooms.

4. The Government shall, at its own expense, have installed or provide in the Conference area all public utilities necessary for the efficient conduct of the Conference.

Article II. Disposition of government equipment

The Government shall, at its own expense, install and do such other acts as may be necessary to maintain in use any furniture and equipment, supplies and other items which it is making available to the United Nations under the provisions of this Agreement.

Article III. Charges for public utilities

All public utilities, equipment, furniture and supplies of any other kind made available to the United Nations by the Government under the provisions of this Agreement may be used by the United Nations without charge of any kind excepting that the United Nations shall be required to pay at standard rates for any long-distance telephone calls as well as for telegraphic services.

Article IV. Personnel

1. The Government shall reimburse the United Nations for all expenses which arise from the employment under contract in Mexico of such Conference servicing personnel as will be required for the Conference, except that such expenses shall be previously agreed between the Government and the United Nations.

2. The Government shall deposit to the credit of the United Nations in the Bank of Mexico City designated by the United Nations as and when requested by the United Nations such sums in Mexican currency as may be required to meet the obligations of the Government under paragraph 1 of this article.

Article V. Security measures

The Government shall take all measures necessary to ensure the security of the Conference area.

Article VI. Hotel accommodations

1. If it should be necessary, the Government will extend its good offices in the procurement of suitable hotel accommodations for members of the United Nations delegations, officials of the specialized agencies, of nongovernmental organizations, of the United Nations and for any other personnel connected with the Conference, and for any other person for whom the United Nations requires accommodation.

2. Any person by whom accommodation is occupied in pursuance to the provisions of this Article shall be financially responsible for all costs in connection with any such accommodation.
Article VII. General accounting at conclusion of Conference

1. The United Nations shall maintain an adequate system of accounts, which shall be made available to an auditor to be designated by the Government.

2. Within ninety days from the conclusion of the Conference, the United Nations shall account to the Government for the funds expended under the provisions of this Agreement and shall at that time refund to the Government in Mexican currency any amount owing by the United Nations to the Government under the provisions of this Agreement. In the event of any sum being owing by the Government to the United Nations, the United Nations shall alternatively within the said ninety-day period send a statement of account showing the amount owing which the Government hereby agrees to place to the credit of the United Nations in Mexican currency in a bank in Mexico City designated by the United Nations within ten days from the receipt of any such statement of account.

Article VIII. Freedom of entry

The Government shall permit the following persons irrespective of their nationality to enter and leave Mexico at will during the exercise of their duties in connection with the Conference: (a) representatives of Member States and their families; (b) officials of the United Nations and their families; (c) officials of the specialized agencies and their families; (d) representatives of the Inter-American Economic and Social Council and their families; (e) representatives of non-governmental organizations having consultative status; (f) representatives of the Press, radio, film and other information agencies accredited by the United Nations; (g) any other person invited by the United Nations to attend the Conference on official business related to the Conference.

Article IX. Liaison

The United Nations and the Government shall conduct all operations envisaged under the terms of this Agreement through appropriate liaison officers appointed for this purpose.

Article X. General indemnity

The United Nations shall not be responsible for damage or destruction to any buildings, furniture or equipment within the Conference area.

Article XI. Duration of this Agreement

This Agreement shall be in full force and effect between this date and the twenty-first day following the conclusion of the Conference.

In witness whereof, the respective representatives of the parties thereto have signed this Agreement this twentieth day of May, one thousand nine hundred and fifty-one.

For the Department of External Affairs of Mexico:
(Signed) Lic. Vicente Sánchez Gavito
Director-General of the Diplomatic Service
For the United Nations:
(Signed) Eugenio Castillo
Deputy Executive Secretary
of the Economic Commission for Latin America

N° 106

Monsieur le Secrétaire général,


I. — OBLIGATIONS FINANCIÈRES

Le Gouvernement français et les Nations Unies concluront un accord complémentaire pour déterminer la répartition de leurs obligations financières respectives lorsque ces obligations ne sont pas déjà expressément définies dans le présent accord.

Il demeure entendu que la totalité des obligations financières des Nations Unies telles que définies dans le présent accord et dans l’accord complémentaire prévu ci-dessus n’entraînera pas, pour les Nations Unies de dépenses supérieures à celles autorisées par la résolution 499 (V).\(^3\)

II. — LOCAUX

a) Le Gouvernement français mettra gratuitement à la disposition des Nations Unies, pour la durée de la sixième session de l’Assemblée générale, les locaux correspondant aux plans ci-annexés comprenant:

D’une part, la partie du Palais de Chaillot constituée par la salle et les dépendances du Théâtre national populaire;

et, d’autre part, les constructions spécialement réalisées par lui, à cette occasion, constructions adjacentes au Théâtre national précité.

b) Dans cet ensemble de locaux désigné ci-après par l’expression: zone des conférences, trouveront place:

1. Une salle pour les séances plénières avec les annexes nécessaires telles que: halls pour les délégués, la presse et le public, vestiaires, cabines téléphoniques, etc.,

2. Des salles de commissions,

3. Des bureaux pour le Secrétariat,


c) L’ensemble des locaux mis à la disposition de l’Organisation sera convenablement aménagé selon les besoins de l’Assemblée générale et com-

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\(^1\) Entré en vigueur le 17 août 1951 par l’échange desdites lettres.


\(^3\) Document des Nations Unies A/1775/Add.1.
portera, en particulier, des estrades, des cabines de radiodiffusion et d’interprétation simultanée.

d) L’ameublement des locaux occupés par les services des Nations Unies sera assuré gratuitement par le Gouvernement français. Toutefois, en plus du mobilier bureau mis à leur disposition par le Gouvernement français aux termes du présent article, les Nations Unies conviennent de fournir, à leurs frais, 500 tables bureau, 200 bureaux de dactylographes et 200 tables.

e) Le Gouvernement français prétera son concours aux délégations des États Membres à la demande de celles-ci ou des Nations Unies pour les aider à trouver, à l’extérieur de la zone des conférences, les locaux et le mobilier de bureau dont elles pourraient avoir besoin.

f) Le Gouvernement français mettra à la disposition des Nations Unies, le 6 novembre 1951, la totalité des locaux complètement installés composant la zone des conférences, excepté au cas où les travaux nécessaires auraient dû être retardés pour cause de force majeure.

g) Dès avant le 6 novembre 1951, le Gouvernement français s’efforcera de mettre à la disposition des Nations Unies une partie des locaux et installations de la zone des conférences en conformité avec le programme suivant:

<table>
<thead>
<tr>
<th>Locaux et installations</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone des magasins destinés à recevoir le matériel</td>
<td>50 jours avant la date d’ouverture de l’Assemblée générale</td>
</tr>
<tr>
<td>Zone des services de reproduction et de distribution des documents, magasin des fournitures</td>
<td>35 jours avant l’ouverture de l’Assemblée générale</td>
</tr>
<tr>
<td>Zone du centre de documentation</td>
<td>21 jours avant l’ouverture de l’Assemblée générale</td>
</tr>
<tr>
<td>Zones du contrôle des documents, de la bibliothèque et du service de traduction</td>
<td>14 jours avant l’ouverture de l’Assemblée générale</td>
</tr>
<tr>
<td>Toutes les installations radio-électriques nécessaires dans la zone des conférences</td>
<td>4 jours avant l’ouverture de l’Assemblée générale</td>
</tr>
</tbody>
</table>

h) En ce qui concerne la zone des bureaux, le Gouvernement français s’efforcera de respecter les délais indiqués dans le tableau suivant:

<table>
<thead>
<tr>
<th>Nombre de jours avant l’ouverture de la session</th>
<th>Nombre de personnes à installer</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>60 personnes</td>
</tr>
<tr>
<td>21</td>
<td>100 personnes</td>
</tr>
<tr>
<td>14</td>
<td>150 personnes</td>
</tr>
<tr>
<td>7</td>
<td>300 personnes</td>
</tr>
<tr>
<td>4</td>
<td>700 personnes</td>
</tr>
<tr>
<td>2</td>
<td>1.400 personnes</td>
</tr>
</tbody>
</table>

i) Toutefois, au cas où les travaux nécessaires auraient dû être retardés, le Gouvernement français mettra à la disposition des Nations Unies d’autres locaux adéquats, au besoin en dehors de la zone des conférences, aux dates indiquées dans l’horaire prévu ci-dessus. Cette disposition ne saurait en aucun cas modifier l’obligation souscrite par le Gouvernement français au paragraphe f) du présent article.

En outre, le Gouvernement français s’engage, si besoin est, à fournir aux Nations Unies même en dehors de la zone des conférences entre les 98ème et 37ème jours avant la date d’ouverture de la session des locaux de travail.
pouvant recevoir dans la limite de 40 personnes les fonctionnaires des Nations Unies qui seront appelés à Paris pour la préparation de ladite session.

III. — PRESTATIONS DES SERVICES

Le Gouvernement français prendra les mesures nécessaires pour que soient assurés dans de bonnes conditions le chauffage, l'éclairage, la fourniture de l'eau et de la force motrice, ainsi que tous autres services publics habituels. La prise en charge de ces services sera réglée conformément aux dispositions de l'article I.

IV. — INSTALLATIONS TECHNIQUES

1. Téléphone
   a) Les Nations Unies communiqueront au Gouvernement français les plans détaillés qui indiqueront les emplacements des installations téléphoniques dans la zone des conférences.
   b) Dans la réalisation des installations téléphoniques, le Gouvernement français se conformera dans toute la mesure possible, aux plans visés à l'alinéa précédent. Il mettra en place les lignes directes reliant le centre principal aux centres secondaires les plus importants. Il reste bien entendu que pour l'exécution des obligations qui lui incombent aux termes du présent article, le Gouvernement français utilisera le matériel en usage dans les administrations françaises.
   c) Les Nations Unies paieront les abonnements, la location du standard, les frais courants de location des appareils et le coût, à leurs prix officiels, des communications téléphoniques demandées par l'intermédiaire du réseau des PTT. Les communications à l'intérieur de la zone des conférences seront gratuites.
   d) Le Gouvernement français entretiendra en bon état le matériel téléphonique mis à la disposition des Nations Unies.
   e) Le Gouvernement français fournira le personnel nécessaire au bon fonctionnement des installations téléphoniques mises à la disposition des Nations Unies aux termes du présent article.
   f) La prise en charge des dépenses résultant de l'installation de l'appareillage téléphonique, de son entretien et des traitements du personnel d'exploitation sera réglée conformément aux dispositions de l'article premier ci-dessus.

2. Télégraphe

Le Gouvernement français fournira, sur demande, les appareils téléimprimeurs nécessaires, au tarif en usage dans l'administration française.

3. Service de radiodiffusion
   a) Le Gouvernement français fournira et réalisera à ses frais les installations techniques nécessaires pour doter les Nations Unies des moyens propres à assurer, de façon satisfaisante, le service de la sixième session de l'Assemblée générale. Le coût du matériel et les frais afférents à l'installation et au montage de ce matériel incomberont au Gouvernement français.
   b) Les frais d'exploitation, de location et de réparation du matériel visé à l'alinéa précédent seront supportés par les Nations Unies aux taux et conditions qui seront l'objet d'un accord spécial entre les Nations Unies et le Gouvernement français.
c) Le Gouvernement français mettra également à la disposition des Nations Unies les services d'émissions radiophoniques nécessaires à l'Assemblée générale aux taux et conditions qui feront l'objet de l'accord ci-dessus.

4. **Interprétation simultanée**

   a) Les Nations Unies fourniront le matériel technique requis pour l'interprétation simultanée nécessaire à la bonne conduite des travaux de la sixième session de l'Assemblée générale et en assureront l'entretien.

   b) Le Gouvernement français installera ce matériel technique si les Nations Unies le lui demandent et l'Organisation prendra à sa charge les frais de cette installation.

5. **Appel des voitures**

   Les Nations Unies fourniront le matériel nécessaire, l'installeront et en assureront le fonctionnement et l'entretien. Le Gouvernement français facilitera aux Nations Unies, si besoin est, l'installation et l'entretien de ce matériel.

6. **Amplification**

   a) Le Gouvernement français fournira et installera à ses frais tout l'équipement sonore et le matériel d'amplification dont les Nations Unies auront besoin.

   b) Tous les frais d'exploitation, de location et de réparation de l'équipement sonore et du matériel d'amplification dont les Nations Unies auront besoin et qu'elles auront reçus conformément à l'alinéa précédent seront à la charge des Nations Unies, aux tarifs et conditions qui seront compris dans l'accord spécial (visé au paragraphe 3 ci-dessus) qui devra intervenir entre les Nations Unies et le Gouvernement français.

7. **Éclairages pour prises de vues**

   a) Le Gouvernement français fournira et installera à ses frais le matériel d'éclairage nécessaire aux prises de vues.


V. — **SERVICE INTÉRIEUR**

   a) **Nettoyage**

      Le nettoyage des locaux sera assuré par les Nations Unies. La prise en charge des dépenses résultant de ce service sera réglée conformément aux dispositions de l'article 1 ci-dessus.

   b) Les dépenses relatives aux services suivants :

      Arrangements quotidiens des salles de séances,
      Vestiaires,
      Huissiers,
      Fonctionnement des ascenseurs,

      seront à la charge des Nations Unies. Le Gouvernement français s'engage, toutefois, si cela apparaît nécessaire, à apporter son concours aux Nations Unies pour l'organisation de ces services.

   c) Les dépenses relatives à l'entretien du bâtiment en général autres que celles prévues ci-dessus seront à la charge du Gouvernement français (exemple: entretien des installations de chauffage).
d) Le Gouvernement français s'engage à installer à ses frais un système efficace de protection de la zone des conférences contre l'incendie ; il fournira, à ses frais, le personnel et le matériel nécessaires au fonctionnement de ce système et pour assurer de toute autre manière qu'il jugera utile la protection contre l'incendie de toutes les personnes et de tous les biens qui se trouveront dans la zone des conférences.

VI. — PERSONNEL

1) Personnel en général

Sauf stipulation contraire contenue dans le present Accord, les Nations Unies fourniront à leurs frais tout le personnel requis pour la bonne marche des travaux de l'Assemblée générale.

2) Personnel recruté sur place

a) Le Gouvernement français prêtera son concours aux Nations Unies, sur la demande de celles-ci pour le recrutement de tout le personnel local nécessaire.

b) Chaque fois que les Nations Unies auront besoin d'embaucher des préposés au vestiaire ou du personnel chargé de fonctions analogues, elles accorderont la priorité au personnel du Théâtre national populaire du Palais de Chaillot.

c) En général, les Nations Unies embaucheront, dans toute la mesure du possible, des membres du personnel du Théâtre national populaire dans les services pour lesquels elles recrutent du personnel local.

VII. — MACHINES ET MATÉRIEL DE BUREAU

a) Sauf dispositions contraires contenues dans le présent Accord, le Gouvernement français mettra gratuitement à la disposition des Nations Unies tous les membres divers, le mobilier et le matériel de bureau nécessaires dans la zone des conférences, pour que l'Assemblée générale puisse se dérouler normalement.

b) Il est précisé que tout le mobilier mis à la disposition des Nations Unies par le Gouvernement français sera de fabrication française.

c) Sans que le présent alinéa limite en aucune façon la portée de l'alinéa a) ci-dessus, le Gouvernement français fournira gratuitement dans les bureaux situés dans la zone des conférences, les corbeilles à papier, les corbeilles à courrier, cendriers, classeurs et rayonnages.

d) Les Nations Unies s'engagent à faire leur possible pour fournir, à leurs propres frais, les machines de bureau nécessaires pour la tenue de l'Assemblée générale.

e) Les machines et l'équipement de bureau dont les Nations Unies ne pourraient assurer la fourniture ou dont la fourniture par le Gouvernement français n'est pas expressément stipulée dans le présent Accord seront, si possible, fournis par le Gouvernement français en location à un prix qui sera fixé par les parties au présent Accord. Sans que la portée générale de la phrase qui précède en soit aucunement limitée, le Gouvernement français s'engage à mettre à la disposition des Nations Unies au maximum 90 machines à écrire à clavier universel à un prix de location ne dépassant pas 2.500 francs par mois et par machine. Les Nations Unies assureront à leurs frais tous les travaux d'entretien de ces machines à écrire pour la totalité de la période de location.
f) Les Nations Unies communiqueront des plans détaillés qui indiqueront comment placer ou installer le mobilier, les appareils et l'équipement de bureau à utiliser dans la zone des conférences. Sauf stipulation contraire contenue dans le présent Accord, le Gouvernement français mettra en place ou installera ce mobilier, ces appareils et cet équipement de bureau à ses frais et selon ces plans et à la date ou aux dates précisées aux paragraphes g) et h) de l'article II ci-dessus ou avant cette ou ces dates.

g) Quand le mobilier, les appareils et l'équipement de bureau auront été mis en place conformément aux plans visés par l'alinéa f) ci-dessus, tout déplacement de ce mobilier, de ces appareils et de cet équipement de bureau sera à la charge des Nations Unies.

VIII. — SERVICES DIVERS

Le Gouvernement français mettra en place, à ses frais, un ensemble de services d'accueil comprenant:

- Un service touristique,
- Une agence de théâtre,
- Une agence de voyage,
- Un bureau de tabac,
- Un bureau de vente de journaux.

Le Gouvernement français mettra, à ses frais, à la disposition des Nations Unies, des locaux convenables susceptibles de servir au fonctionnement d'une banque pour la commodité de l'Organisation.

IX. — SERVICE POSTAL

a) Le Gouvernement français mettra un bureau de poste temporaire à la disposition des Nations Unies;

b) Les Nations Unies pourront, dans la zone des conférences ou par voie postale, vendre les timbres de l'Organisation à des fins philatéliques.

X. — INVENTAIRE

a) Au moment où l'Organisation des Nations Unies prendra livraison du mobilier, des machines à écrire, du matériel et des biens visés par l'article VII ci-dessus, il sera dressé contradictoirement un inventaire du mobilier, des machines à écrire, de tout autre matériel et de tous autres biens mis à la disposition des Nations Unies par le Gouvernement français, que ce soit ou non aux frais des Nations Unies. Il sera également établi contradictoirement un inventaire au moment où ce mobilier, ces machines à écrire, ce matériel et ces biens seront restitués au Gouvernement français, lorsque le présent accord viendra à expiration.

b) Sauf stipulation contraire contenue dans le présent accord, les Nations Unies répondront de tous les manquants que pourrait révéler la comparaison des deux inventaires.

XI. — TRANSPORTS

Le Gouvernement français facilitera, sur demande, la location en France d'automobiles pour le transport des délégations, du Secrétariat et des correspondants étrangers de la presse et de l'information accrédités auprès des Nations Unies.
XII. — TRAVAUX D’IMPRESSION


b) Les frais de tous les travaux d’impression exécutés conformément aux dispositions du précédent alinéa seront à la charge des Nations Unies, aux taux officiels d’impression.

XIII. — HÔTELS ET RESTAURANTS

a) Le Gouvernement français s’engage à faciliter l’installation dans les hôtels, dans des conditions convenables, des membres des délégations et du Secrétariat des Nations Unies ainsi que de toute autre personne appelée à prendre part, à titre officiel, aux travaux de l’Assemblée générale, notamment des correspondants accrédités et des représentants des institutions spécialisées.

b) Le Gouvernement français s’engage à veiller à ce que les prix pratiqués par les hôteliers ne dépassent pas les prix courants, normalement pratiqués à Paris durant la saison considérée.

c) Le Gouvernement français mettra à la disposition des délégués et des membres du Secrétariat de l’Organisation, ainsi que des correspondants de presse accrédités auprès d’elle, des restaurants administrés par ses soins, qui leur serviront des repas aux prix fixés par le Gouvernement français.

XIV. — SÉCURITÉ — GARDIENNAGE

Le Service de sécurité, à l’intérieur et aux entrées des locaux occupés par les services de l’Assemblée sera assuré par les Nations Unies et à leurs frais.

Il en sera de même pour tout service de gardiennage à l’intérieur et aux entrées desdits locaux qui pourra apparaître nécessaire aux Nations Unies.

XV. — DÉPENSES À LA CHARGE DES NATIONS UNIES

Il reste bien entendu que les frais de voyage et de séjour du personnel permanent des Nations Unies, les salaires et les frais de voyage éventuels du personnel supplémentaire, recruté à l’occasion de la 6ème session de l’Assemblée générale, les frais de transport du matériel amené par le Secrétariat, les dépenses résultant de l’achat du papier et des fournitures de bureau, et, en général, toutes les dépenses occasionnées par le fonctionnement de l’Assemblée, autres que celles que le Gouvernement français prend explicitement à sa charge par la présente convention ou par les accords à conclure ultérieurement seront supportées par les Nations Unies.


XVI. — PRIVILÈGES ET IMMUNITÉS

La Convention sur les privilèges et immunités des Nations Unies, signée et ratifiée par la France, s’appliquera à la 6ème session de l’Assemblée générale...

La Convention sera complétée par les dispositions suivantes:

A) **Inviolabilité et protection des locaux mis à la disposition des Nations Unies pour la tenue de la session de l'Assemblée générale**

1) La partie du Palais de Chaillot,
2) Les constructions, telles qu'elles sont détaillées au chapitre II de la présente lettre, seront pendant toute la durée de leur affectation aux Nations Unies considérées comme des locaux des Nations Unies et jouiront de l'inviolabilité.

Ils seront placés sous le contrôle et l'autorité des Nations Unies, qui auront le droit exclusif d'en autoriser ou d'en interdire l'entrée et pourront en expulser toute personne.

**Section II**

Les autorités françaises compétentes prendront les mesures appropriées afin d'éviter que la tranquillité des locaux visés à la section I soit troublée par l'entrée non autorisée d'une ou plusieurs personnes agissant isolément ou en groupes ou par des désordres survenant dans un voisinage immédiat. A cette fin, elles assureront toute protection de police nécessaire à l'extérieur desdits locaux.

Comme il est dit au chapitre XIV ci-dessus, les Nations Unies seront responsables de la sécurité à l'intérieur de l'enceinte bénéficiant de l'inviolabilité. Le Gouvernement français s'engage à fournir aux Nations Unies, si elles en faisaient la demande, le personnel destiné à compléter l'effectif de leurs gardes; en ce cas, les traitements et indemnités de ce personnel seraient remboursés aux autorités françaises compétentes.

Dans le cas où, pour assurer à l'intérieur de l'enceinte, le respect de la loi et de l'ordre public ou pour expulser toute personne, le Secrétaire général estime nécessaire de faire appel temporairement à des forces de police complémentaires pour prêter main forte aux forces visées à l'alinéa précédent, les autorités françaises feront droit à cette demande. Le remboursement des dépenses raisonnables occasionnées par cette demande aura lieu sur requête des autorités françaises, après entente avec les Nations Unies.

**Section III**

Les locaux visés à la section I demeureront affectés aux Nations Unies pour une durée qui sera précisée ultérieurement et qui couvrira:
1) une période préparatoire,
2) la durée de la session de l'Assemblée générale,
3) une période de liquidation d'une durée approximative d'un mois sauf accords particuliers à conclure.

Durant les périodes prévues aux paragraphes 1) et 3), toute latitude sera laissée aux autorités françaises compétentes pour l'exécution des travaux nécessaires.

B) **Droit d'entrée et de séjour en territoire français**

1) Sans préjudice des dispositions de la Convention sur les privilèges et immunités des Nations Unies, le Gouvernement français s'engage à autoriser
l’entrée en France sans frais de visa, ni délai, et le séjour à Paris et dans le département de la Seine, pendant la durée de leurs fonctions ou mission à la sixième session de l’Assemblée générale, des personnes suivantes :

   a) Les représentants des États Membres et les fonctionnaires de l’Organisation et des institutions spécialisées et les familles (conjoint et enfants) de ces représentants et fonctionnaires,

   b) Sous réserve des dispositions du paragraphe 2, les représentants de la presse, de la radio, du cinéma ou de toutes autres agences d’information agréées par les Nations Unies,

   c) Les représentants des organisations non gouvernementales admises par les Nations Unies au statut d’organes consultatifs,

   d) Toutes autres personnes invitées au siège de la session de l’Assemblée générale par les Nations Unies pour affaires officielles.

2) Sans qu’il soit porté atteinte à leur droit discrétionnaire d’accréditation ni aux dispositions du présent texte, les Nations Unies s’engagent à communiquer, dix jours à l’avance, aux autorités françaises compétentes les noms des représentants de la presse, de la radio, du cinéma ou de toutes autres agences d’information qui n’auraient pas encore été agréées par les Nations Unies et qui auraient présenté une demande d’accréditation limitée à la durée de la sixième session.

3) Sans préjudice des immunités spéciales dont elles auraient reçu le bénéfice, les personnes visées au paragraphe 1 ne pourront, pendant toute la durée de leurs fonctions ou mission, y compris le temps du voyage en territoire français, être l’objet de mesures d’arrestation ou d’une procédure d’expulsion que dans le cas où elles auraient abusé des privilèges de séjour qui leur sont reconnus, en poursuivant une activité sans rapport avec leurs fonctions ou mission à la sixième session.

4) Ces mesures ne pourront être ordonnées ou la procédure d’expulsion introduite, qu’après consultation avec le Gouvernement de l’État Membre s’il s’agit d’un représentant d’un État Membre ou d’une personne de sa famille ou avec le Secrétaire général des Nations Unies s’il s’agit de toute autre personne.

5) Sous réserve des dispositions précédentes et de celles de la Convention sur les privilèges et immunités des Nations Unies, les autorités françaises gardent le plein pouvoir de décision et de contrôle en ce qui concerne l’entrée en France des personnes et les conditions auxquelles ces personnes seront admises à y demeurer ou à y résider.

6) Il demeure entendu que les personnes désignées au paragraphe 1er ne sont pas dispensées de l’application raisonnable des règlements de quarantaine et de santé publique.

C) Statut diplomatique

En outre des personnes visées à la section 19 de la Convention générale sur les privilèges et immunités, le Gouvernement français a décidé d’accorder pendant la durée de leur mission, y compris le temps du voyage en territoire français, les privilèges, immunités, exemptions et facilités reconnus aux envoyés diplomatiques accrédités auprès du Gouvernement français aux :

1. a) Représentants des délégations des États Membres des Nations Unies accrédités à la sixième session,
b) Représentants permanents et membres permanents de leur personnel jouissant au siège de l'Organisation des privilèges et immunités diplomatiques,


Les membres des délégations et du Secrétariat bénéficieront de l'exemption des droits de douane sur leurs effets personnels et sur tous objets qui font partie de leurs bagages personnels. Les Nations Unies sont autorisées à importer en franchise, vivres, alcools, tabac, vêtements en vue de leur vente aux membres des délégations et du Secrétariat pour leur consommation personnelle et celle de leur famille. Les colis individuels seront, par contre, soumis au droit commun.

En ce qui concerne les impôts de taxes diverses, le personnel des délégations et du Secrétariat bénéficiera des mêmes exemptions et facilités que les membres du corps diplomatique régulièrement accrédités en France. Ce personnel sera exempt de la taxe de séjour.

XVII. — DOMMAGES ET ACCIDENTS AUX PERSONNES ET AUX CHOSES

La délimitation des responsabilités respectives des Nations Unies et du Gouvernement français en ce qui concerne les dommages et accidents qui pourraient survenir aux locaux, aux installations, aux matériels et au mobilier mis à la disposition des Nations Unies pour la tenue de la sixième session de l'Assemblée générale ou aux personnes se trouvant dans ces locaux sera la suivante:

1) Le Gouvernement français ne pourra être tenu pour responsable, pour quelque cause que ce soit, des accidents, pertes ou dommages subis par toutes personnes (à l'exception de ses préposés s'ils sont dans l'exercice de leurs fonctions) du fait de leur présence dans les locaux mis à la disposition des Nations Unies pendant la période où ces locaux seront placés sous la juridiction de cette organisation sauf si ces accidents sont imputables au Gouvernement français ou à ses préposés ou s'ils ont été causés par un vice dans la construction ou dans les installations techniques des locaux ou par un défaut dans l'organisation du service de sécurité-incendie.

2) Les Nations Unies seront responsables de la perte de tous meubles, machines à écrire ou autres objets mis à leur disposition, ainsi que des dommages et dégradations qu'elles pourraient subir pendant la période visée au paragraphe 1 (ci-dessus), à moins que ces pertes, dommages ou dégradations ne soient imputables au Gouvernement français ou à ses préposés ou n'aient été causés par un vice dans la construction ou dans les installations techniques des locaux ou par un défaut dans l'organisation du service de sécurité-incendie.

Il est précisé à cette occasion que tout manquant donnera lieu à remboursement par les Nations Unies:

Sur la base de sa valeur de remplacement pour tout matériau neuf ou à l'état de neuf;

Sur la base des deux tiers de sa valeur de remplacement pour tout autre matériau.

3) Les Nations Unies seront responsables de tous accidents ou dégradations causés aux locaux et installations mis à leur disposition sous la réserve stipulée au paragraphe 1) ci-dessus. Elles supporteront notamment la
responsabilité du locataire telle que celle-ci est prévue dans la législation française, pour les locaux mis à leur disposition par le Gouvernement français.

Dans l’appréciation des dommages éventuels, le Gouvernement français s’engage à opérer une discrimination dans toute la mesure possible, entre les dommages causés à des locaux ou installations permanentes, et les dommages causés à des locaux ou installations provisoires.

Il est toutefois entendu que le Gouvernement français sera autorisé à prendre toutes mesures utiles pour assurer la protection matérielle et notamment contre l’incendie, des locaux ci-dessus visés.

4) Sur la demande qui lui en sera faite, le Gouvernement français prêttera ses bons offices aux Nations Unies pour tout ce qui concerne la défense et le règlement des litiges auxquels les dispositions du présent article pourraient donner lieu et qui n’auraient pu recevoir de solution avant l’expiration de la période prévue par son paragraphe 1) ci-dessus.

XVIII. — DIFFÉREND

Tout différend entre les Nations Unies et le Gouvernement français au sujet de l’interprétation ou de l’application du présent accord et de tout accord additionnel sera, s’il n’est pas réglé par voie de négociation ou par tout autre mode de règlement agréé par les parties, soumis à la décision de trois arbitres dont l’un sera désigné par le Secrétaire général, l’autre par le Ministre des affaires étrangères du Gouvernement français et le troisième choisi par les deux autres ou, à défaut d’accord entre eux sur ce choix, par le Président de la Cour internationale de Justice.

XIX. — DUREE DE L’ACCORD

Un accord ultérieur entre le Secrétaire général ou son représentant et le Gouvernement français fixera la date à partir de laquelle la présente convention cessera d’avoir effet en tout ou en partie.

Je vous prie d’agréer, Monsieur le Secrétaire général, l’expression de ma haute considération.

(Signé) SCHUMAN

Monsieur Trygve Lie
Secrétaire général de l’Organisation des Nations Unies
New-York

17 août 1951

Monsieur le Ministre,

J’ai l’honneur d’accuser la réception de votre lettre du 17 août 1951 me transmettant les propositions du Gouvernement français relatives aux services qu’il est disposé à mettre à la disposition de l’Organisation des Nations Unies pour la sixième session de l’Assemblée générale.

Je suis heureux d’accepter les propositions que vous avez formulées. Il reste entendu qu’un accord supplémentaire doit être conclu conformément aux termes de l’article I du projet d’accord.

Je sais cette occasion pour vous dire combien l’Organisation des Nations Unies apprécie la coopération et l’aide que lui offre le Gouvernement

Je vous prie d’agréer, Monsieur le Ministre, l’assurance de ma très haute considération.

(Signé) Trygve Lie
Secrétaire général

Son Excellence
Monsieur Robert Schuman
Ministre des affaires étrangères
37, quai d’Orsay
Paris

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD ¹ SUPPLEMENTAIRE DE L’ACCORD DU 17 AOÛT 1951 ENTRE L’ORGANISATION DES NATIONS UNIES ET LA FRANCE RELATIF À LA TENUE DE LA SIXIÈME SESSION DE L’ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES À PARIS, 17 JANVIER ET 4 FÉVRIER 1952

I

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
Secrétariat des Conférences

N° 4

Paris, le 17 janvier 1952

Monsieur le Secrétaire général,

Aux termes de l’article 1 de la convention signée le 17 août dernier entre l’Organisation des Nations Unies et le Gouvernement français, un accord complémentaire doit déterminer la répartition entre les deux parties des obligations financières respectives qui n’ont pas été explicitement définies dans la dite convention, étant entendu que la totalité des obligations financières des Nations Unies ne entraînera pas, pour l’Organisation, des dépenses supérieures à celles autorisées par la résolution 499 (V).

Il a été précisé, d’autre part, par la résolution 499 de la cinquième session de l’Assemblée Générale, que le montant total des dépenses prévues pour la réunion à Paris de la sixième session pourrait être « majoré de telles autres sommes supplémentaires qui pourraient être virées sur d’autres chapitres du budget de 1951 sur l’autorisation du Secrétaire général et avec l’assentiment préalable du Comité consultatif pour les questions administratives et budgétaires », majoration prévue dans l’éventualité où la sixième session prendrait fin le 31 janvier.

Ces sommes supplémentaires pourraient, à mon avis, servir:

1) au paiement des salaires du personnel du standard téléphonique, de l’entretien des installations, et du central télégraphique;
2) au nettoyage des locaux;
3) au paiement de l’énergie électrique et des frais de chauffage.

¹ Entré en vigueur le 4 février 1952 par l’échange desdites lettres.
I. — SALAIRES DU PERSONNEL DU STANDARD TÉLÉPHONIQUE ET DU CENTRAL TÉLÉGRAPHIQUE

Ils comportent deux éléments:

a) le traitement proprement dit des agents dont le remboursement sera poursuivi directement par l'Administration française des P.T.T. auprès des Nations Unies, suivant les dépenses réelles effectuées par l'Administration;

b) une indemnité spéciale dont le paiement sera effectué directement aux intéressés par les Nations Unies sur présentation d'états dressés par l'Administration française des P.T.T. et visés par le Département des Affaires étrangères.

II. — NETTOYAGE

Les contrats correspondants seront passés par les Nations Unies avec les firmes de leur choix.

III. — ELECTRICITÉ ET CHAUFFAGE


Si le montant des dépenses entraînées par l'application des points I, II et III est supérieur au montant total des sommes dont pourront disposer les Nations Unies, l'excédent de dépense restera à la charge du Gouvernement français.

Par contre, si le montant des dépenses est inférieur aux sommes disponibles, les Nations Unies prendront à leur charge, dans la limite du disponible, le paiement de nouveaux services qui seraient dans ce cas désignés ultérieurement.

Je vous serais obligé de bien vouloir m'indiquer dès que possible si ces propositions en vue de l'utilisation des crédits supplémentaires rencontrent votre agrément.

Veuillez agréer, Monsieur le Secrétaire général, les assurances de ma haute considération.

(Signé) SCHUMAN

Monsieur Trygve Lie
Secrétaire général de l'Organisation des Nations Unies
Palais de Chaillot

II

4 février 1952

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de votre lettre N° 4 du 17 janvier 1952 me transmettant des propositions relatives à la conclusion de l'accord complémentaire prévu aux termes de l'article I de la Convention signée le 17 août dernier entre l'Organisation des Nations Unies et le Gouvernement français, accord complémentaire ayant pour objet de déterminer entre les deux parties des obligations financières qui n'ont pas été expressément définies dans ladite Convention.

Je suis heureux de vous faire connaître que, bien que la situation de l'ensemble des dépenses de l'exercice 1951 ne m'ait pas permis de proposer à l'Assemblée générale de majorer le total des crédits du chapitre premier
par aucune somme virée d'autres chapitres du budget, il m'a été possible d'obtenir de l'Assemblée que :

a) Le total des dépenses prévues pour la réunion à Paris de la sixième session de l'Assemblée générale (y compris les séances à tenir après le 1er janvier 1952) fut porté, grâce à des virements opérés à l'intérieur du chapitre premier, de 2.350.400 dollars à 2.359.000 dollars ;

b) Un montant de 150.000 dollars fut inclus dans cette dernière somme pour couvrir la participation de l'Organisation aux obligations financières dont la répartition entre le Gouvernement français et l'Organisation des Nations Unies n'avait pas été expressément définie dans la Convention du 17 août dernier.

Il m'est d'autre part agréable de vous marquer mon accord pour que cette somme de cent cinquante mille dollars serve :

[Voir lettre I, alinéas I à III]

III. — Électricité et chauffage

Les frais résultant de ces services sont pris en charge par les Nations Unies. Les factures y afférentes sont adressées par le Département des Affaires étrangères aux Nations Unies.

Il demeure entendu que, si le montant des dépenses entraînées par l'application des points I, II et III est supérieur à la somme de cent cinquante mille dollars, l'excédent de dépenses restera à la charge du Gouvernement français et que, par contre, si le montant des dépenses est inférieur à cette somme, les Nations Unies prendront à leur charge, dans la limite du disponible, le paiement de nouveaux services qui seraient dans ce cas désignés ultérieurement.

Je tiens à vous faire savoir, en outre, qu'en ce qui concerne les dépenses afférentes à sa sixième session, l'Assemblée générale n'a pas eu à prendre au cours de cette session d'autres décisions sur le plan financier que celles indiquées aux paragraphes a) et b) précédents, les crédits votés pour cet objet paraissant suffisants pour couvrir ces dépenses.

Je vous propose de considérer votre lettre du 17 janvier 1952 et la présente réponse comme constituant l'accord complémentaire prévu aux termes de l'article I de la Convention du 17 août dernier entre l'Organisation des Nations Unies et le Gouvernement français.

Je saisir cette occasion pour vous dire combien l'Organisation des Nations Unies apprécie la coopération et l'aide que lui offre le Gouvernement français à l'occasion de la tenue à Paris de la sixième session de l'Assemblée générale.

Veuillez agréer, je vous prie, Monsieur le Ministre, les assurances de ma haute considération.

(Signé) Trygve Lie
Secrétaire général

S.E. Monsieur Robert Schuman
Ministre des affaires étrangères
Ministère des affaires étrangères
Quai d'Orsay
Paris

Article IV. Co-operation of the Government in the Seminar

6. (a) The Government shall apply to the Organization, its staff, funds, properties and assets, the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations;
(b) Staff of the Organization, including experts engaged by it as members of its staff assigned to carry out the purposes of this Agreement, shall be deemed to be officials within the meaning of the above Convention.

34. Model Text of Agreement concerning the Activities of the United Nations International Children's Emergency Fund

Whereas the General Assembly of the United Nations, by Resolution 57, approved 11 December 1946, created an International Children's Emergency Fund (hereinafter referred to as the Fund), and

Whereas the Fund now has resources and expects to receive additional resources and assets which the Executive Board of the Fund has determined shall be made available in part for the benefit of children and adolescents and expectant and nursing mothers of . . ., and

Whereas the Government of . . . (hereinafter referred to as the Government) desires the aid of the Fund for the benefit of children and adolescents and expectant and nursing mothers within its territories, and

Whereas representatives of the Fund and of the Government have considered the need for such aid in . . ., and

Whereas the Government has submitted its own programme of aid for the benefit of children and adolescents and expectant and nursing mothers, and has drawn up plans of operation with respect to the proper utilization and distribution of supplies or other assistance which the Fund may provide, and the Fund has approved its own participation in said plans,

1 Came into force on 4 August 1952, upon signature, in accordance with article V (1).
5 A revised model text adopted by the UNICEF in October 1959 would delete Article VI (UNICEF Field Manual, Vol. II, Part IV, Section 2, Appendix A). As of 31 October 1959, however, no agreement on the revised model has been concluded with any government.
Now, therefore, the Government and the Fund have agreed as follows:

Article VI. Immunity from Taxation

A. The Fund, its assets, property, income and its operations and transactions, of whatsoever nature, shall be immune from all taxes, fees, tolls, or duties imposed by the Government or by any political sub-division thereof or by any other public authority in... The Fund shall also be immune from liability for the collection or payment of any tax, fee, toll, or duty imposed by the Government or any political sub-division thereof or by any other public authority.

B. No tax, fee, toll or duty shall be levied by the Government or any political sub-division thereof or any other public authority on or in respect of salaries or remunerations for personal services paid by the Fund to its officers, employees, or other Fund personnel who are not subjects of... or permanent residents thereof.

C. The Government will take such action as is necessary for the purpose of making effective the foregoing principles. In addition, the Government will take whatever other action may be necessary to insure that supplies and services furnished by the Fund are not subjected to any tax, fee, toll, or duty in a manner which reduces the resources of the Fund.

Article VII. Privileges and Immunities

The Government will grant to the Fund and its personnel the privileges and immunities contained in the general convention on privileges and immunities adopted by the General Assembly of the United Nations on 13 February 1946.

* States which have concluded an agreement with the United Nations Children's Fund containing provisions similar to Articles VI and VII of the Model Text:

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* Volumes listed without page numbers are in the course of publication.
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### States which have concluded an agreement with the United Nations Children's Fund containing provisions on privileges and immunities different from Articles VI and VII of the Model Text:

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### Article... Immunity from taxation

A. The Fund, its assets, property, income, and its operations and transactions of whatsoever nature, shall be immune from all taxes, fees, tolls, or duties imposed by the Government or by any political sub-division thereof or by any other public authority in... The Fund shall also be immune from liability for the collection or payment of any tax, fee, toll, or duty imposed by the Government or any political sub-division thereof or by any other public authority.

* Volumes listed without page numbers are in the course of publication.
B. No tax, fee, toll, or duty shall be levied by the Government or any political sub-division thereof or any other public authority on or in respect of salaries or remunerations for personal services paid by the Fund to its officers, employees, or other Fund personnel who are not subjects of . . . , or permanent residents thereof.

C. The Government shall take such action as is necessary for the purpose of giving effect to the foregoing provisions of this Article. In addition, the Government shall take whatever action may be necessary to ensure that supplies and services furnished by the Fund are not subjected to any tax, fee, toll, or duty in a manner which reduces the resources of the Fund.

D. The Government shall undertake to pay all taxes, fees, tolls or duties referred to in the above three paragraphs of this Article if its laws do not allow such exceptions.

* * *

State Date of Signature UN Treaty Series Vol. Page
Albania 20 November 1947 65 163
Yugoslavia 20 November 1947 65 30

Article VI
(Same as Article VI of Model Text)

Article VII

The Government will grant to the Fund and its personnel the privileges and immunities provided for in the General Convention on the Privileges and Immunities adopted by the General Assembly of the United Nations on 13 February 1946, as soon as the Government has ratified the said Convention.

* * *

State Date of Signature UN Treaty Series Vol. Page
Belgium 17 June 1953 171 249

Article VII. Immunity from Taxation

The necessary measures will be taken in order that the supplies of milk imported by the Fund are not subject to any duty, fee or toll in a manner which reduces the resources of the Fund.

Article VIII
(Same as Article VII of Model Text)

* * *

State Date of Signature UN Treaty Series Vol. Page
China 19 July 1950 94 21
Article VI
(Same as Article VI of Model Text)

Article VII. Privileges and Immunities

The Government will extend to the office of the Fund and its officials thereof such privileges and immunities as are generally extended to the United Nations and its Specialized Agencies under the laws and regulations of the Republic of China.

* * *

State          Date of Signature          UN Treaty Series
Czechoslovakia 3 October 1947  65 27

Article VI

A. The Fund, its assets, property, income and its operations and transactions of whatsoever nature, shall be immune from all taxes, fees, tolls or duties imposed by the Government or by any political sub-division thereof or by any other public authority in so far as it is not a case of citizens of Czechoslovakia or permanent residents thereof. The Fund . . . (the wording of the rest of the article is identical with that of Article VI of the model text from the words" The Fund " appearing on the fourth line thereof).

Article VII
(Same as Article VII of Model Text)

* * *

State          Date of Signature          UN Treaty Series
France 19 February 1948  68 75

Article VII

The Fund is immune from all direct taxation. However, it will pay taxes for services rendered. The Fund is immune from all taxes and duties levied by the Customs on goods imported in accordance with the plan of operations approved periodically by the Executive Board of the Fund and transmitted in due course to the Customs’ Office.

Article VIII
(Same as Article VII of Model Text)

* * *

State          Date of Signature          UN Treaty Series
Iraq 10 December 1951  126 51

Article VI. Immunity from Taxation

The Fund is covered by the exemptions set forth in the Law No. 14 of 1949 of the ratification by Iraq of the General Convention on Privileges and
Immunities adopted by the General Assembly of the United Nations on 13th February 1946.

Article VII. Privileges and Immunities

The Government will grant to the Fund and its personnel the privileges and immunities contained in the general convention mentioned in Article VI above.

* * *

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<td>(as amended by the Protocol of 28 May 1956)</td>
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Article VI. Immunity from Taxation

The Fund, in the implementation of its program, will be granted the following facilities:

1. Exemption from all taxes imposed by the State or by local administrations (except for those cases in which the tax is payable by the other contracting party).

2. Free import and exemption from Customs duties to supplies and materials imported into Italy for the execution of the program under the present Agreement.

3. Telephone and telegraph communications at the fees applicable to the offices of State administrations.

Article VII. Privileges and Facilities

A. The Government shall grant to the Fund and its personnel in the Trust Territory of Somaliland the privileges and immunities contained in the Convention on Privileges and Immunities adopted by the General Assembly of the United Nations on 13 February 1946.

B. The Government shall assume full responsibility in respect of any claim asserted against the Fund, its employees and agents, arising in the Trust Territory of Somaliland, provided such claim arises from the Assistance which has been given or may be given by the Fund according to the terms of the Government's request. The Government shall defend, at its own cost, the Fund, its employees and agents with respect to any such claim. In the event that the Government makes any payment under the terms of this paragraph, the Government shall be entitled to exercise all the rights, claims and interest which the Fund could have exercised against third parties. This paragraph shall not apply with respect to any claim against the Fund for injuries incurred by a staff member of the Fund.

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<td>Japan</td>
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Article VII. Immunity from Taxation

A. The Fund, its assets, property and income and its operations and transactions of whatsoever nature, shall be immune from all taxes, fees, tolls or duties imposed by the Government or by any political sub-division thereof or by any other public authority in Japan. The Fund shall also be immune from the liability for the collection or payment of any tax, fee, toll, or duty imposed by the Government or any political sub-division thereof or by any other public authority.

B. No tax, fee, toll or duty shall be levied by the Government or any political sub-division thereof or any other public authority on or in respect of salaries or remuneration for personal services paid by the Fund to its officers, employees, or other Fund personnel who are not nationals of Japan or permanent residents thereof.

C. The Government shall take such action as is necessary for the purpose of giving effect to the foregoing provisions of this Article. In addition, the Government shall take whatever other action may be necessary to ensure that supplies and services furnished by the Fund are not subjected to any tax, fee, toll, or duty in a manner which reduces the resources of the Fund.

D. The Government shall undertake to pay all taxes, fees, tolls, or duties referred to in the above three sections of this Article if its laws do not allow such exceptions.

Article VIII. Privileges and Immunities

The Government recognizes that the Fund, as a subsidiary organ of the United Nations, and its personnel, are entitled to the privileges and immunities contained in the Agreement between the United Nations and Japan on Privileges and Immunities of the United Nations, signed at Tokyo on 25 July 1952.

* * *

State Date of Signature UN Treaty Series
Republic of Korea 25 March 1950 65 171

Article VII. Tax Immunity and Personal Privileges

A. The Fund, including its assets, supplies, operations, and transactions of all nature, shall be immune from all forms of taxes, tolls, duties or fees customarily imposed by the Government, or its agents, or any political sub-division thereof, or any public organization in Korea.

B. The salaries or remuneration for services paid by the Fund to its officers and employees who are not Korean citizens or permanent residents, shall likewise be immune from all forms of taxes, tolls, duties, or fees customarily imposed by the Government, or its agents, or any political sub-division thereof, or any public organization in Korea.

C. The Government will accord the Fund and its personnel the same privileges and immunities as granted to the United Nations and to the United Nations personnel.

* * *

State Date of Signature UN Treaty Series
Mexico 20 May 1954 192 3
Article VII

(Same as Article VI of Model Text)

Article VIII. Privileges and Immunities

The Government of the United States of Mexico shall grant to the Fund and to its representatives the privileges and immunities granted to other subsidiary organizations and Specialized Agencies of the United Nations and their representatives in Mexico.

* * *

State                Date of Signature        UN Treaty Series
Pakistan            20 July 1949             65  61

Article VI. Immunities and Privileges

The Government shall grant to the Fund, its assets, property, income operations and transaction of whatever kind and its personnel such privileges and immunities from taxation etc., etc., as are specified in the Schedule to the United Nations (Privileges and Immunities) Act 1948 (XX of 1948).

* * *

State                Date of Signature        UN Treaty Series
United Kingdom of Great Britain and Northern Ireland (concerning territories for whose international relations the Government of the United Kingdom is responsible) 7 October 1953 180  59
New Zealand (concerning the Cook Islands, the Tokelau Islands and the Trust Territory of Western Samoa) 26 August 1954 198  173
Ghana                12 August 1958            309  103

Article . . . Privileges and Immunities


(2) Supplies and capital goods provided by the Fund in connection with any plan of operations shall be deemed to be imported into . . . for the official use of the Fund.

(3) Staff of the Fund assigned to carry out any Plan of Operations made pursuant to the present Agreement shall be deemed to be "officials" within the meaning of the above Convention, provided that, unless otherwise agreed between the Government and the Fund, any person engaged by the Fund in . . . in relation to any project to be carried out under any Plan of Operations who is a citizen or a resident of . . . shall not be regarded as a member of the Staff of the Fund (1) if he is remunerated by payment calculated by the number of hours worked, or (2) if his remuneration is a
charge to be borne by the Government in accordance with the present Agreement.

(4) Any tax, fee, toll or duty, other than those from which the Fund, its assets, income and property, and its staff are immune under the appropriate provisions of the above Convention, which may be imposed by the Government or any political sub-division thereof or any other public authority in . . . on the Fund, its assets, income and property, and its staff in connection with the carrying out of a Plan of Operations shall be deemed to be costs incurred in the currency of . . . and shall be defrayed by the Government.

* * *

35. Model Text 1 of Basic Agreement concerning Technical Assistance between the United Nations, the International Labour Organisation the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization and the World Health Organization and the Government 2 of . . .

The United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization and the World Health Organization (hereinafter called "the Organizations"), members of the Technical Assistance board, severally and collectively, and the Government of . . . (hereinafter called "the Government") desiring to give effect to the resolutions and decisions relating to technical assistance of the Organizations, which are intended to promote the economic and social progress and development of peoples, have entered into this Basic Agreement in a spirit of friendly cooperation.

....

Article V. Facilities, Privileges and Immunities

1. Notwithstanding whether the Government has ratified the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, the Government shall apply to the Organizations, their staff, funds, properties and assets, the appropriate provisions of these Conventions.

2. Staff of the Organizations, including experts engaged by them as members of their staff assigned to carry out the purposes of this Agreement, shall be deemed to be officials within the meaning of the above Conventions.

....

States which have concluded a Basic Agreement concerning technical assistance containing provisions different from Article V of the Specimen Text

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2 Agreements containing substantially the same text as Article V of this Specimen Text have been concluded with Cuba, on 19 June 1952 (United Nations, *Treaty Series*, Vol. 133, p. 165); and with Lebanon, on 9 October 1953 (*Ibid.*, Vol. 190, p. 49).
Article IV

The Government shall, in conformity with the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies (to which it has acceded), issue any necessary administrative instructions according to the Organizations, their personnel, property and assets in the country, all the privileges and immunities which are normally accorded under the provisions of those Conventions.

Note: Substantially the same provision appears in a similar agreement concluded with Egypt, 15 October 1952 (United Nations, Treaty Series, Vol. 141, p. 96).

* * *

State          Date of Signature  UN Treaty Series Page
Guatemala . . . . . . . . . . . 10 March 1954 191 271

Article V. Facilities, Privileges and Immunities

The Government, having acceded to the Convention on the Privileges and Immunities of the United Nations, undertakes to apply to the Organization, its property, funds and assets, and to its officials including technical assistance experts, the provisions of that Convention.


* * *

State          Date of Signature  UN Treaty Series Page
Japan . . . . . . . . . . . . . . . . 24 June 1953 167 249

Article V. Privileges and Immunities


* * *

State          Date of Signature  UN Treaty Series Page
Libya . . . . . . . . . . . . . . . . 24 December 1951 118 290

Article IV

1. Pending ratification by the Government of the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, the Government shall apply to the Organizations, their staff, funds, properties and assets the appropriate provisions of those Conventions.
2. Staff of the Organizations, including experts engaged by them as members of their staff assigned to carry out the purposes of this Agreement, shall be deemed to be officials within the meaning of the above Conventions.

* * *

State Date of Signature UN Treaty Series
Thailand 11 June 1951 90 45

Article IV

1. The Government undertakes, in so far as it is not already legally bound to do so, to apply to the Organization, its property, funds and assets, and to its experts and other staff, all the applicable provisions of the Convention on the Privileges and Immunities of the United Nations.

2. Staff of the Organization, including experts engaged by it as members of its staff, assigned to carry out the purposes of this Agreement, shall be deemed to be "officials" within the meaning of the above convention.

Note: Substantially the same provision appears in similar Agreements concluded by the following States: Italy, 27 July 1951 (United Nations, Treaty Series, Vol. 97, p. 291); Costa Rica, 27 February 1953 (Ibid., Vol. 161, p. 45); Nepal, 19 February and 2 March 1953 (Ibid., Vol. 161, p. 347).

* * *

State Date of Signature UN Treaty Series
United Kingdom of Great Britain and Northern Ireland 25 June 1951 92 27
(for those Trust, Non-Self-Governing and other territories for whose international relations the Government is responsible)

Article IV

1. The Government of each Territory which receives technical assistance under the Basic Agreement or any Supplementary Agreement shall, in its Territory, apply to the Organizations, their funds, property and assets, and to their staff the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies.

2. Staff of the Organizations including experts engaged by them as members of their staff, assigned to carry out the purposes of this Agreement, shall be deemed to be "officials" within the meaning of the above Conventions.

Note: Substantially the same provision appears in the Basic Agreement with France for the provision of technical assistance for territories for whose international relations the Government of France is responsible, signed on 31 May 1954 (United Nations, Treaty Series, Vol. 192, p. 20).

* * *

State Date of Signature UN Treaty Series
China 5 February 1954 186 85
Article V. Facilities, Privileges and Immunities

1. The Government will extend to the Organization, its property, funds and assets, and to its officials including technical assistance experts in the country in connection with the performance of this Agreement and of supplementary agreements or arrangements made pursuant to this Agreement, the privileges and immunities set forth in the Annex hereto which constitutes an integral part of this Agreement.

2. It is understood that if and when the Government shall accede to the Convention on the Privileges and Immunities of the United Nations, the Annex shall cease to be operative and shall be replaced by the provisions of the Convention as of the date on which the accession by the Government to the Convention will come into effect.

ANNEX

The privileges and immunities to be extended by the Government of the Republic of China (hereinafter called "the Government") to the United Nations (hereinafter called "the Organization"), its property, funds and assets, and to its officials including technical assistance experts in accordance with Article V of the Basic Agreement concerning Technical Assistance between the Organization and the Government (hereinafter called "this Agreement") shall be as follows:

1. The Organization, as a juridical person, shall have the capacity to contract; to acquire and dispose of immovable and movable property; and to institute legal proceedings.

2. The premises of the Organization shall be inviolable. Its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. The property and assets of the Organization shall be immune from search, requisition, confiscation, expropriation and any other form of interference.

3. Without being restricted by financial controls, regulations or moratoria of any kind, the Organization may hold funds, gold or currency of any kind; operate accounts in any currency; and shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency. However, it shall pay due regard to any representations made by the Government in so far as it is considered that effect can be given to such representations without detriment to the interests of the Organization.

4. The property and assets of the Organization shall be exempt from direct taxes. Articles, documents and publications imported or exported for the official use of the Organization shall likewise be exempt from custom duties and import and export restrictions. It is understood, however, that articles imported under such exemption will not be sold except under conditions agreed with the Government.

5. While the Organization will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organization is making important purchases for official use of property on
which such duties and taxes have been charged or are chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

6. The Organization shall enjoy for its official communications treatment not less favourable than that accorded to diplomatic missions accredited to the Government in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephones, telephone and other communications, and relating to the right to use codes and to despatch and receive its correspondence by courier or in pouches. Such communications shall be free from censorship.

7. The officials of the Organization, including technical assistance experts assigned by the Organization to the Government, while exercising their functions as specified by this Agreement and such Supplementary Agreements as may be made pursuant thereto, shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

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

(c) Be immune from national service obligations;

(d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government;

(f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country.

8. Privileges and immunities are granted to officials, including technical assistance experts, in the interest of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General of the United Nations shall have the right and the duty to waive the immunity of any official, including any technical assistance expert, in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

9. The Organization may issue United Nations laissez-passer to its officials, including technical assistance experts. These laissez-passer shall be recognized and accepted as valid travel documents by the authorities of the Government, taking into account the provisions of paragraph 10 below.

10. Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

11. Similar facilities to those specified in paragraph 10 above shall be accorded to other persons who, though not the holders of United Nations
laissez-passer, have a certificate that they are travelling on the business of the Organization.

12. The Secretary-General, Assistant Secretaries-General and Directors of the Organization travelling on United Nations laissez-passer on the business of the Organization shall be granted the same facilities as are accorded to diplomatic envoys.

13. All differences arising out of the interpretation or application of this Agreement, including the present Annex, and to supplementary agreements made pursuant to this Agreement, shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement.

36. Model Text of Revised Standard Agreement concerning Technical Assistance between the United Nations, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union and the World Meteorological Organization and the Government of...

The United Nations, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union and the World Meteorological Organization (hereinafter called "the Organizations"); members of the Technical Assistance Board, and the Government of... (hereinafter called "the Government");

Desiring to give effect to the resolutions and decisions relating to technical assistance of the Organizations, which are intended to promote the economic and social progress and development of peoples;

Have entered into this Agreement in a spirit of friendly co-operation.

Article V. Facilities, Privileges and Immunities

1. The Government, in so far as it is not already bound to do so, shall apply to the Organization(s), their property, funds and assets, and to their officials, including technical assistance experts, the provisions of the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies.

2. The Government shall take all practicable measures to facilitate the activities of the Organization(s) under this Agreement and to assist experts and other officials of the Organization(s) in obtaining such services and facilities as may be required to carry on these activities. When carrying out their responsibilities under this Agreement, the Organization(s), their

1 United Nations, document TAB/1R/ev.2, Supplement.
experts and other officials shall have the benefit of the most favourable legal rate of conversion of currency.

States which have concluded an agreement modelled on the Revised Standard Agreement concerning Technical Assistance

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* The blank means that the Agreement concerned has not yet been registered with the United Nations.
** Volumes listed without page numbers are in the course of publication.
¹ With substantially the same text as Article V.
² The Agreement with Chile contains in paragraph 1 of Article V the following two additional sub-paragraphs:

(b) The experts will be permitted to import, exempt from Customs duties and other import charges, prohibitions and restrictions, their furniture and
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effects, including an automobile, on initially assuming their posts in Chile. For title transfer purposes of each automobile this will be subject to the general regulations established for the resident Diplomatic Corps.

(c) The Resident Representative of the Technical Assistance Board of the United Nations will in every case enjoy the same treatment given to Directors of Commissions or Regional Offices of the United Nations established in Chile.

* An exchange of letters relating to the Agreement with Saudi Arabia contains the following provisions:

"3. In accordance with Article V.1, as far as the officials of the Organizations, including technical assistance experts, are concerned, they shall:

"(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

"(b) Be exempt from taxation on the salaries and emoluments paid to them by the Organizations;

"(c) Be immune from national service obligations;

"(d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

"(e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government;

"(f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envos;

"(g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country.

The Government does not undertake to grant any other privileges and immunities to the officials of the Organizations, including technical assistance experts, besides those listed above."

* The Agreement with Yemen was concluded on her behalf by the Governments of the Republic of Egypt and of the United Kingdom of Great Britain and Northern Ireland. Since independence, the Government of the Republic of Sudan, by an exchange of letters with the Executive Chairman of the United Nations Technical Assistance Board dated 22 May 1956 and 6 July 1956, agreed to consider the Agreement to be still in force.

* The Agreement with Syria does not contain the last sentence in paragraph 2 of Article V.

With substantially the same text as Article V.

* The blank means that the Agreement concerned has not yet been registered with the United Nations.
37. Model Text 1 of Agreement between the United Nations Special Fund and the Government 2 of ... concerning Assistance from the United Nations Special Fund

Whereas the Government of ... has requested assistance from the United Nations Special Fund in accordance with resolution 1240 (XIII) of the General Assembly of the United Nations;

Whereas the Special Fund is prepared to provide the Government with such assistance for the purpose of promoting social progress and better standards of life and advancing the economic, social and technical development of ...;

Now therefore the Government and the Special Fund have entered into this Agreement in a spirit of friendly co-operation.

Article VIII. Facilities, Privileges and Immunities

1. The Government shall apply to the United Nations and its organs, including the Special Fund, its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations.

2. The Government shall apply to each Specialized Agency acting as an Executing Agency, its property, funds and assets and to its officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies including any Annex to the Convention applicable to such Specialized Agency. In case the International Atomic Energy Agency acts as an Executing Agency, the Government shall apply to its property, funds and assets and to its officials, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency or, in the absence of such Agreement, the Convention on the Privileges and Immunities of the United Nations. 3

3. In appropriate cases where required by the nature of the project, the Government and the Special Fund may agree that immunities similar to those specified in the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies shall be granted by the Government to a firm or organization, and to the personnel of any firm or organization, which may be retained by either the Special Fund or an Executing Agency to execute or to assist in the execution of a project. Such immunities shall be specified in the Plan of Operation relating to the project concerned.

1 June 1959.
2 Similar Agreements containing the same provisions as in Article VIII have been concluded between the United Nations Special Fund and each of the following States: Argentina, 4 December 1959; Ecuador, 10 November 1959; Ghana, 12 August 1959; Guinea, 2 December 1959; India, 20 October 1959; Iran, 6 October 1959; Israel, 1 December 1959; Jordan, 15 December 1959; Poland, 15 October 1959; Turkey, 20 November 1959; United Arab Republic, 25 November 1959; Yugoslavia, 27 October 1959.
3 Provisional text, subject to revision after consultation with International Atomic Energy Agency.
4. The Government shall take any measures which may be necessary to exempt the Special Fund and any Executing Agency and their officials and other persons performing services on their behalf from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of projects. It shall, in particular, grant them the following rights and facilities:

(a) The prompt issuance without cost of necessary visas, licences or permits;

(b) Access to the site of work and all necessary rights of way;

(c) Free movement, whether within or to or from the country, to the extent necessary for proper execution of the project;

(d) The most favourable legal rate of exchange;

(e) Any permits necessary for the importation of equipment, materials and supplies in connexion with this Agreement and for their subsequent exportation; and

(f) Any permits necessary for importation of property belonging to and intended for the personal use or consumption of officials of the Special Fund or of an Executing Agency, or other persons performing services on their behalf, and for the subsequent exportation of such property.

5. In cases where a Plan of Operation so provides the Government shall either exempt from or bear the cost of any taxes, duties, fees or levies which may be imposed on any firm or organization which may be retained by an Executing Agency or by the Special Fund and the personnel of any firm or organization in respect of:

(a) The salaries or wages earned by such personnel in the execution of the project;

(b) Any equipment, materials and supplies brought into the country in connexion with this Agreement or which, after having been brought into the country, may be subsequently withdrawn therefrom; and

(c) Any property brought by the firm or organization or its personnel for their personal use or consumption or which, after having been brought into the country, may subsequently be withdrawn therefrom upon departure of such personnel.

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Special Fund or an Executing Agency, against the personnel of either, or against other persons performing services on behalf of either under this Agreement, and shall hold the Special Fund, the Executing Agency concerned and the above-mentioned persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Parties hereto and the Executing Agency that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.
38. Model Text\(^1\) of Agreement governing the Provision of Experts in Response to Governments' Requests for Operational or Executive Personnel between the United Nations and the Government of

*The United Nations and the Government of*\(^2\) ... (hereinafter called "the Government")..., desiring to join in furthering the development of the administrative services of ..., have entered into this Agreement in a spirit of friendly co-operation.

**Article I. Scope of this Agreement**

1. This Agreement embodies the conditions under which the United Nations shall provide the Government with the services of administrative officers or specialists (hereinafter referred to as "officers"). It also embodies the basic conditions which govern the relationship between the Government and the officers. The Government and the officers may enter into agreements between themselves or adopt such arrangements as may be appropriate concerning their mutual relationship. However, any such agreement or arrangement shall be subject to the provisions of this Agreement, and shall be communicated to the United Nations.

2. The relationship between the United Nations and the officers shall be defined in contracts which the United Nations may enter into with such officers. A copy of the contract which the United Nations intends to use for this purpose is herewith transmitted for the Government's information as annex I of this Agreement. The United Nations undertakes to furnish the Government with copies of individual contracts actually concluded between the United Nations and the officers within one month after such contracts are concluded.

**Article II. Functions of the Officers**

1. The officers to be provided under this Agreement shall be available to perform operational, executive or managerial functions, including training, for the Government, or, if so agreed by the United Nations and the Government, in other public agencies or public corporations or public bodies, or in national agencies or bodies other than those of a public character.

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\(^1\) May 1958.

\(^2\) Similar Agreements have been concluded by the United Nations with each of the following States: *Burma*, 15 December 1958; *Federation of Malaya*, 29 May 1959; *Ghana*, 27 February 1959; *Guinea*, 15 October 1959; *Laos*, 6 July 1959; *Libya*, 27 June 1959; *Paraguay*, 1 August 1959; *Sudan*, 28 March 1959; *Tunisia*, 23 December 1958.

\(^3\) The Agreement with Laos contains the following additional paragraph in Article II:

"3. Disciplinairement, l'Agent est soumis à l'ensemble des règles régissant dans le Royaume la fonction qu'il exerce par l'effet du contrat particulier d'utilisation de ses services. En cas de faute grave, entraînant une sanction supérieure au blâme, le Gouvernement se réserve le droit de remettre l'Agent en cause à la disposition de l'Organisation sans préavis ni indemnité. Cette décision, qui pourra être précédée d'une suspension de fonction interviendra après enquête dont les résultats seront adressés à l'Organisation."
2. In the performance of the duties assigned to them by the Government, the officers shall be solely responsible to, and under the exclusive direction of, the Government; they shall not report to nor take instructions from the United Nations or any other person or body external to the Government except with the approval of the Government. In each case the Government shall designate the authority to which the officer will be immediately responsible.

3. The Parties hereto recognize that a special international status attaches to the Officers made available to the Government under this Agreement, and that the assistance provided the Government hereunder is in furtherance of the purposes of the United Nations. Accordingly, the officers shall not be required to perform any function incompatible with such special international status or with the purposes of the United Nations.

4. In implementation of the preceding paragraph, but without restricting its generality or the generality of the last sentence of paragraph 1 of Article I, any agreements entered into by the Government with the officers shall embody a specific provision to the effect that the officer shall not perform any functions incompatible with his special international status or with the purposes of the United Nations.

Article IV. Obligations of the Government

1. The Government shall contribute to the cost of implementing this Agreement by paying the officer the salary and related emoluments which would be payable to a national civil servant or other comparable employee holding the rank to which the officer is assimilated.

2. The Government shall provide the officer with such services and facilities, including local transportation, and medical and hospital facilities, as are normally made available to a national civil servant or other comparable employee holding the rank to which the officer is assimilated.

3. The Government shall use its best endeavours to locate suitable housing and make it available to the officer.

4. The Government shall grant the officer the annual and sick leave available to a national civil servant or other comparable employee holding the rank to which the officer is assimilated. The Government shall grant to the officer such further annual leave, not exceeding total leave at the rate of thirty working days per annum, as may be required to permit him to enjoy such home leave as he may be entitled to under the terms of his contract with the United Nations.

5. The Government recognizes that the officers shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) Be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) Be immune from national service obligations;

(d) Be immune, together with their spouses and relatives dependent upon them, from immigration restrictions and alien registration;
(e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government;

(f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

6. The assistance rendered pursuant to the terms of this Agreement is in the exclusive interest and for the exclusive benefit of the people and Government of ... In recognition thereof, the Government shall bear all risks and claims resulting from, occurring in the course of, or otherwise connected with any operation covered by this Agreement. Without restricting the generality of the preceding sentence, the Government shall indemnify and hold harmless the United Nations and the officers against any and all liability suits, actions, demands, damages, costs or fees on account of death, injuries to person or property, or any other losses resulting from or connected with any act or omission performed in the course of operations covered by this Agreement.

7. The Government shall do everything within its means to ensure the effective use of the officers provided and will, as far as practicable, make available to the United Nations information on the results achieved by this assistance.

8. The Government shall defray such portions of the expenses to be paid outside the country as may be mutually agreed upon.

ANNEX I

CONTRACT

Between

The United Nations and ...

The United Nations having entered into an Agreement with the Government of ... dated ..., regarding administrative officers or specialists, ... (hereinafter called "the officer"), undertakes to perform the following functions for or on behalf of the Government of ... for a period of ... commencing ...

Article I. Functions of the Officer

1. The functions of the officer will be ...

These functions may be changed from time to time by mutual agreement between the Government of ... and the officer.

Article III. Obligations of the Officer

1. The officer shall be responsible to the Government of ... In the performance of his duties he shall neither seek nor accept instructions from any other Government or from any other authority external to the Government of ...
2. The officer shall conduct himself at all times with the fullest regard for the aims of the United Nations and in a manner befitting his status under this contract. He shall not engage in any activity that is incompatible with the purposes of the United Nations or the proper discharge of his duties with the Government of . . . He shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on his status, or on the integrity, independence and impartiality which are required by that status. While he is not expected to give up his national sentiments or his political and religious convictions, he shall at all times bear in mind the reserve and tact incumbent upon him by reason of his status.

3. The officer shall exercise the utmost discretion in regard to all matters of official business. He shall not communicate to any person any information known to him by reason of his official position with the Government of . . . which has not been made public, except in the course of his duties or by authorization of the Government of . . . Nor shall he at any time use such information to private advantage. These obligations do not cease upon completion of service under this contract.

4. As part of his official functions and to the maximum extent approved by the Government of . . ., the officer shall promote and assist in the training of new talent with a view to increasing the supply of competent officials available to the public service of . . . The officer is invited to make the fullest possible use of multilateral, regional and bilateral facilities which exist for the training of suitable candidates.
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