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INTRODUCTION

The present volume is the second of two in the United Nations Legislative Series devoted to legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations.

The first volume (ST/LEG/SER.B/10) contained documents relating either to international organizations in general or to the United Nations in particular. The documents included in the present volume relate specifically to the specialized agencies of the United Nations and to a number of other inter-governmental international organizations.

The present volume, like the first volume, contains in its first part only legislative texts transmitted or notified by Governments as a result of the request addressed to them by the Secretary-General on 11 May 1959. The provisions of treaties and other international agreements, on the other hand, which form the contents of the second part of this volume, have to a large extent been furnished by the specialized agencies and other intergovernmental organizations in reply to the letter addressed to them by the Legal Counsel on 26 February 1960.

The present volume contains only information supplied or collected by the end of November 1960.

INTRODUCTION

Le présent volume est le deuxième des deux volumes de la Série législative des Nations Unies qui sont consacrés aux textes législatifs nationaux et aux dispositions de traités concernant le statut juridique, les privilèges et les immunités d’organisations internationales.

Dans le premier de ces deux volumes (ST/LEG/SER.B/10), on trouve reproduits des documents ayant trait soit aux organisations internationales en général, soit à l’Organisation des Nations Unies en particulier. Les documents inclus dans le présent volume intéressent spécifiquement les institutions spécialisées des Nations Unies ainsi que certaines autres organisations internationales intergouvernementales.

A l’instar du volume précédent, le présent volume ne contient, dans sa première partie, que les textes législatifs 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. Quant aux dispositions de traités et d’autres accords internationaux, qui font l’objet de la deuxième partie du présent volume, elles ont été, en grande partie, fournies par les institutions spécialisées et d’autres organisations internationales intergouvernementales en réponse à la lettre du 26 février 1960 que leur avait adressée le Conseiller juridique de l’Organisation des Nations Unies.

Le présent volume ne contient que des renseignements parvenus ou rassemblés avant la fin de novembre 1960.
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FIRST PART
LEGISLATIVE TEXTS

PREMIÈRE PARTIE
TEXTES LÉGISLATIFS
Australia

(a) International Finance Corporation Act No. 66 of 1955. An Act to approve acceptance by Australia of membership in the International Finance Corporation, and for purposes connected therewith.

Short title

1. This Act may be cited as the International Finance Corporation Act, 1955.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Definition

3. In this Act, “the Agreement” means the Articles of Agreement of the International Finance Corporation set out in the Schedule to this Act.

Acceptance of membership in International Finance Corporation

4. Approval is hereby given to the acceptance by Australia of membership in the International Finance Corporation established under the Agreement.

Subscription to capital stock

5. The moneys necessary to provide the subscription of Australia to the capital stock of the International Finance Corporation under paragraph (a) of section three of Article II of the Agreement (that is to say, moneys the equivalent in Australian currency of Two million two hundred and fifteen thousand dollars in currency of the United States of America) shall be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

Regulations

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.

1 See also the previous volume of this Series (ST/LEG/SER.B/10), under Australia.
THE SCHEDULE

Articles of Agreement of the International Finance Corporation
(For the text of this Agreement see the Second Part of this Volume.)

(b) INTERNATIONAL FINANCE CORPORATION REGULATIONS
(Statutory Rules, 1957, No. 72)

Citation
1. These Regulations may be cited as the International Finance Corporation Regulations.

Definitions
2. In these Regulations, unless the contrary intention appears—
   "Australian law" means the laws of the Commonwealth, the laws of the States and the laws of the Territories;
   "Territory" means a Territory of the Commonwealth forming part of the Commonwealth;
   "the Corporation" means the International Finance Corporation established under the Agreement.

Incorporation
3. (1) The Corporation—
   (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 under Australian laws shall take judicial notice of the seal of the Corporation affixed to a document and shall presume that it was duly affixed.

Actions against the Corporation
4. (1) The Corporation may, in the Commonwealth, be sued only in a court of competent jurisdiction in a State or a Territory in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process or has issued or guaranteed securities.
   (2) The property and assets of the Corporation, wherever located and by whomsoever held, are immune from all forms of seizure, attachment or execution in or in connexion with any judicial proceedings under Australian law before final judgment against the Corporation.

Immunity of property and assets of the Corporation
5. The property and assets of the Corporation, wherever located and by whomsoever held, are immune from search, requisition, confiscation, expropriation or any other form of seizure under Australian law otherwise than in or in connexion with any judicial proceedings.

Immunity of archives of the Corporation
6. The archives of the Corporation are inviolable under Australian law.

Freedom of property and assets
7. All property and assets of the Corporation are, to the extent necessary to carry out the operations provided for in the Agreement, free from all
restrictions, regulations, controls and moratoria of any nature under Australian law other than those that may, consistently with the agreement, be applied to, or in relation to, any such property or assets.

Privilege for communications

8. The official communications of the Corporation shall be accorded the same treatment as the Commonwealth accords to the official communications of members of the Corporation other than the Commonwealth.

Immunities and privileges of officers and employees

9. (1) A Governor, Director, Alternate, officer or employee of the Corporation is entitled, in respect of things done in his official capacity, to immunity from suit and legal process under Australian law.

(2) A Governor, Director, Alternate, officer or employee of the Corporation, not being an Australian Citizen, has the same immunity (if any) from the application of the laws of the Commonwealth relating to immigration, the registration of aliens and the obligation to perform national service, and has the same privileges (if any) as regards exchange restrictions, as the Commonwealth accords to a representative, official or employee of comparable rank of a member of the Corporation other than the Commonwealth.

Immunity from taxation

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.

(2) Duties of Customs are not payable on goods imported by the Corporation.

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

(4) An obligation or security issued by the Corporation and held by any person, and any dividend or interest on such an obligation or security, is not subject to taxation under a provision of Australian law which, but for this sub-regulation, would be applicable by reason only of the fact that the obligation or security or the dividend or interest was issued, made payable or paid in Australia or in Australian currency or the fact that an office or place of business maintained by the Corporation is located in Australia.

(5) The immunities as regards tax on, or in respect of, salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation are as provided by or under the Income Tax and Social Services Contribution Assessment Act, 1936-1957.

Waiver by the Corporation

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 conferred by these Regulations.
Austria 1

(a) Ordinance of the Federal Government of 18 January 1955, as amended by the ordinance of 9 December 1958, on the granting of privileges and immunities to international organizations

In pursuance of article 1 of the Federal Act of 24 February 1954 (BGBI. No. 74) on the granting of privileges and immunities to international organizations, it is hereby provided that:

Article 1

Privileges and immunities within the limits defined in the Convention on the Privileges and Immunities of the Specialized Agencies, dated 21 November 1947, shall, in accordance with the annex to the Ordinance of 28 March 1950 (GBBl. No. 248) and the annex which forms an integral part of the present Ordinance, be granted to:

1. The International Labour Organisation, the Food and Agriculture Organization of the United Nations, 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 Telecommunication Union and the World Meteorological Organization, to representatives of the States members and to the officials of these organizations and to experts on official mission, where the statute of the organization concerned makes provision for the granting of privileges and immunities to such experts;

2. (Superseded by the Ordinance of 18 June 1957);

3. The Inter-governmental Committee for European Migration and its officials.

Article 2

Possession of Austrian nationality shall not be an obstacle to the granting of privileges and immunities under article 1.

Article 3

(1) The present Ordinance shall enter into force retrospectively as from 28 April 1954. As from the same date, the Ordinance of the Federal Government of 28 March 1950 (BGBI, No. 248) on the granting of privileges and immunities to United Nations specialized agencies (with the exception of the annex thereto), and the Ordinance of the Federal Government of 8 September 1953 (BGBI. No. 156) on the granting of privileges and immunities to the Inter-Governmental Committee for European Migration, shall be annulled.

(2) The annex to the Ordinance of 28 March 1950 (BGBI. No. 248) shall be amended in accordance with the following annex.

1 See also the previous volume of this Series (ST/LEG/SER.B/10), under Austria.
(b) Ordinance of the Federal Government of 28 June 1955 to grant certain privileges and immunities to the Organisation for European Economic Co-operation and the Customs Co-operation Council.

In accordance with article 1 of the Federal Act of 24 February 1954, Bundesgesetzblatt (No. 74), concerning the grant of privileges and immunities to international organizations it is hereby ordered as follows:

Article 1

(1) The Organisation for European Economic Co-operation, the representatives of Members of the Organisation, and officials and experts of the Organisation shall be granted the privileges and immunities provided for in Supplementary Protocol No. 1 to the Convention for European Economic Co-operation of 16 April 1948.

(2) The text of Supplementary Protocol No. 1 to the Convention for European Economic Co-operation of 16 April 1948 is reproduced in the annex hereto which shall form an integral part of this Order.

Article 2

The Customs Co-operation Council, the representatives of Members of the Council, and officials and experts of the Council shall be granted the privileges and immunities provided for in the Annex to the Convention establishing a Customs Co-operation Council, signed at Brussels on 15 December 1950, Bundesgesetzblatt (No. 165/1955).

Article 3

The fact that a person is an Austrian national shall not be a bar to his being granted the privileges and immunities provided for in articles 1 and 2.

Article 4

This Order shall enter into force retroactively with effect from 28 April 1954.

Canada


His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, concurred in by the Acting Secretary of State for External Affairs, and by virtue of the powers conferred by The Privileges and Immunities (United Nations) Act, is pleased to authorize and doth hereby authorize, effective January 22, 1948, for free entry, refund or remission of the following customs duties and the consumption on sales tax imposed under the Customs Tariff and The Excise Tax Act, respectively, on printed matter and official publications and articles and materials used in the production thereof, when imported into Canada or purchased in Canada, either for sale or free distribution by the United Nations Educational, Scientific and Cultural Organization or its duly

1 See also the previous volume of this Series (ST/LEG/SER.B/10), under Canada.
authorized agents, subject to compliance with the following conditions and procedure:

**Taxing authority**

1. The Customs Tariff and The Excise Tax Act: Customs duty, including the consumption or sales tax on printed matter, official publications and articles and materials used in the production thereof.


**Conditions**

When printed matter, official publications and articles and materials used in the production thereof are imported under appropriate certificate.

**Procedure**

The B. I customs entry should bear a certificate across its face to the effect that the importer is either:

(a) A senior executive officer of the United Nations Educational, Scientific and Cultural Organization, or

(b) A duly authorized agent of the United Nations Educational, Scientific and Cultural Organization, and that the

(c) Printed matter or publications have been *bona fide* printed, published or issued by or on behalf of the Organization, or

(d) Articles and materials will be used exclusively in the production of printed matter and/or publications of the Organization, in all of which instances the articles described are entitled to exemption from customs duty and consumption or sales tax under the provisions of this Order.

A senior executive officer or a duly authorized agent of the United Nations Educational, Scientific and Cultural Organization 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 that Organization and that the exemption is properly allowable under the provisions of this Order.
(b) Order-in-Council P.C. 1946 of April 4, 1952 — Revenue Exemptions Granted to the Food and Agriculture Organization

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 and doth hereby order as follows:

Authority is hereby granted, effective January 2, 1952, for free entry, refund or remission of the following customs duties, including the consumption or sales tax, and the excise tax where applicable, imposed under the Customs Tariff and The Excise Tax Act on printed matter, official publications, films and sound recordings of all kinds, and articles and materials used in production of any of the foregoing, when imported into Canada or purchased therein, either for use, sale or free distribution, by the Food and Agriculture Organization, a specialized agency of the United Nations, subject to compliance with the following conditions and procedures:

**Taxing authority**

1. The Customs Tariff and the Excise Tax Act:

   (a) Customs duty, including the consumption or sales tax on printed matter, official publications and articles and materials used in the production thereof, when imported;

   (b) Customs duty, including the consumption or sales tax and the excise tax, if any, on films and sound recordings of all kinds, and articles and materials used in production thereof when imported.

2. The Excise Tax Act:

   (a) The sales tax on printed matter, official publications and articles and materials used in the production thereof;

   (b) The sales and excise tax, if any, on films and sound recordings of all kinds, when purchased in Canada.

**Conditions**

In order to qualify for exemption, the printed matter or publications must have been *bona fide* printed, published or issued by or on behalf of the Organization, and the films and sound recordings must likewise have been *bona fide* produced by or for the Organization.

**Procedure**

When such goods are purchased under appropriate certificate. A senior executive officer or a duly authorized agent of the Food and Agriculture Organization 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 that Organization and that the exemption is properly allowable under the provisions of this Order.
(c) Order-in-Council P.C. 1027 of July 2, 1953—Certain Privileges Granted to the World Meteorological Organization

His Excellency the Administrator 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 and doth hereby order as follows:

Authority is hereby granted, effective during the period August 1, 1953 to September 15, 1953, for free entry, refund or remission of customs duties, including consumption or sales tax and excise tax, on the goods and articles specified in the terms and conditions annexed hereto, when imported into Canada by the World Meteorological Organization and the several categories of persons described therein, and of the excise duties on domestic spirits and tobacco products and the sales and excise taxes on goods purchased in Canada by the Organization and the said several categories of persons, the whole subject to the terms, conditions and procedures annexed hereto.

A. M. Hill,
Asst. Clerk of the Privy Council.

TERMS, CONDITIONS AND PROCEDURES

Definitions

1. In this Order,

(a) "Collector" means the Collector of Customs and Excise at the port or place concerned, or any person lawfully deputed, appointed or authorized to perform the duties of Collector thereat;

(b) "duties" means duties levied under the Customs Tariff on imported articles, and under the Excise Act on spirits and tobacco products of domestic manufacture;

(c) "Organization" means the World Meteorological Organization;

(d) "Other Officials" means officials whose names shall be notified by the Organization to the Secretary of State for External Affairs;

(e) "Representatives of Members" means representatives of states that are members of the World Meteorological Organization and includes all delegates, deputy delegates, advisers, technical experts and secretaries of delegations and the equivalent of third secretaries of diplomatic missions but not members of the clerical staff;

(f) "Senior Officials" means the President of the Council, the Secretary-General and the Assistant Secretaries-General;

(g) "Taxes" means taxes levied under Parts XI, XII and XIII of the Excise Tax Act.

2. The World Meteorological Organization, as a body,

Revenue
exemption or privilege

Articles imported under such exemption shall not be sold in Canada except under conditions approved by the Government of Canada.

Procedure

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

(ii) The following statement shall be written
(2) Exempt from any prohibition or restriction on import, export or sale of its publications and excise taxes in respect thereof.

Publications, whether imported or produced in Canada, may be imported, exported or sold in Canada without payment of customs duty, sales or excise tax.

(3) When goods are purchased under appropriate certificates from manufacturers or wholesalers who are licensed under the Excise Tax Act, the Organization shall be eligible to claim for the remission or refund of the excise tax and/or the consumption or sales tax for goods imported or purchased in Canada for the official use of the Organization as a body.

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

Such exemption shall be effected by remission or refund where the Organization is making taxable purchases, for official use, of goods on which such taxes have been charged or are chargeable. A senior officer shall, 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 Organization and that exemption is properly allowable under the provisions of the Privileges and Immunities (United Nations) Act.
(4) The Organization 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.

3. Representatives of Members and Senior Officials

(1) No person shall be entitled to the benefits of this section unless and until his name and status shall have been duly notified to the Secretary of State for External Affairs.

(2) The provisions of this section shall not apply to a Representative of Canada or to any Canadian citizen residing or ordinarily resident in Canada.

(3) 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 or senior officials, 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 the Representatives of Members or senior officials of the Organization.

(4) Inviolability of all papers and documents.

(5) The right to use codes and to receive pa-

The following procedure applies to (4) and (5): When any despatch bag or package arrives
(6) The privilege of exemption (in respect of themselves and their families) from examination of baggage and other effects and admission thereof free of duty and taxes.

(7) The privilege of admission of articles for their personal or family use free of duty and taxes at all times.

Provided that any article which was exempted from duty and taxes shall be subject thereto at the existing rates if sold or otherwise disposed of in Canada within a period of one year in the case of articles other than motor vehicles, and two years in the case of motor vehicles, from the date of acquisition and the vendor shall be liable for such duties and taxes.

(i) Except in respect of motor vehicles, application for free entry shall be made in writing to the Collector, a separate application being made for each importation.

(ii) Application for free entry of motor vehicles desired to be imported subsequent to first arrival in Canada, shall be made in the form set forth in Appendix "A" and forwarded by the applicant direct to the Deputy Minister of National Revenue for Customs and Excise, Ottawa. Upon approval of the application a Free Entry Authorization, in duplicate, will be mailed to the applicant for presentation to the Collector at point of clearance, and will serve as his authority for the granting of...
(8) The privilege of exemption from excise duty imposed under the Excise Act on domestic spirits and tobacco purchased from licensed manufacturers in Canada.

(9) The privilege of exemption from excise and/or sales tax on domestic spirits, wine and tobacco products when purchased direct from licensed manufacturers for the personal use of the applicant, and on automobiles, ale, beer and stout when purchased under appropriate certificate from licensed manufacturers.

**Conditions**

For the personal use of the applicant only.

(a) Provided that automobiles exempted from these taxes shall be subject thereto at the existing rates if sold or otherwise disposed of within a period of one year from the date of purchase and the vendor shall be liable for such tax.

(b) Automobiles of domestic manufacture are usually purchased through dealers rather than direct from manufacturers, and as sales and excise tax is included in the manufacturer’s price to the dealer, it follows that the dealer’s price to the ultimate purchaser includes the amount of these taxes.

**Procedure**

Purchase orders shall be sent direct to licensed manufacturers and be accompanied by an application and certificate, in triplicate, in the form set forth in Appendix “B”.

When domestic spirits, wine, ale, beer, stout and tobacco products are purchased direct from licensed manufacturers for personal use of the applicant, the procedure outlined in subsection (8) of this section shall apply.

Applicants for exemption should establish their identity and status with dealers by furnishing them with a certificate in duplicate. The dealer will then prepare claim for refund on Form N. 15, in duplicate, and file same, together with the certificate, with the manufacturer. The latter will arrange for audit of the claim and payment will eventually be made to the dealer who will adjust with the purchaser.
4. Other Officials

(1) The Secretary-General of the Organization shall provide the names and titles of officials to whom the provisions of this section shall apply.

(2) The provisions of this section shall not apply to any Canadian citizen residing or ordinarily resident in Canada.

(3) The right to import free of duty their personal effects, including motor vehicles but not including spirituous liquors, at the time of first taking up their posts in Canada.

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<th>Conditions</th>
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<td>(a) Automobiles may be temporarily cleared at customs border ports by issue of Traveller's Vehicle Permit, Form E.50, valid for one month only and personal effects may be permitted to go forward to Toronto under Highway Manifest, Form A.8, for immediate customs clearance along with the automobile, if any.</td>
<td>Upon personal application to Collectors at border ports if automobiles or effects are imported by highway. Then, upon arrival at Toronto, by execution of the usual import entries at the office of the Collector, after production of a certificate of identity signed by the applicant and countersigned by the Secretary-General or an Assistant Secretary-General. If personal effects or automobiles are forwarded direct by common carrier to Toronto, it is necessary only to execute a free entry on Form B.1 at the office of the Collector after production of a similar certificate.</td>
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<td>(b) Provided that any article which was exempted from duty and taxes shall be subject thereto at the existing rates if sold or otherwise disposed of in Canada within the period of one year in the case of articles other than motor vehicles, and two years in the case of motor vehicles, from the date of acquisition and the vendor shall be liable for such duties and taxes.</td>
<td>When it is necessary or desirable to sell or otherwise dispose of motor vehicles or other articles without awaiting expiration of the prescribed timelimits for exemption, the Collector will appraise same as to value and compute the amount of duty and taxes payable, after which the usual B.1 Customs Entry will be executed.</td>
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APPLICATION FOR DUTY AND TAX EXEMPTION ON IMPORTED AUTOMOBILES

To: The Deputy Minister of National Revenue
   for Customs and Excise
   Ottawa

I, ............................................
   having been officially notified to the Department of External Affairs,
   Ottawa, as .................................... hereby request
   (Official designation)
   your authorization for the importation, free of Customs duty and/or Excise
taxes, of the automobile as described hereunder from .................. at ............... on..........
   (Country of export) (Name of customs-excise port where customs clearance will be effected.)

DESCRIPTION OF AUTOMOBILE

Make Year Model Serial No. Purchase price
   (if known) $       

The above described automobile is being acquired for my personal and
family use and not for sale, and I am aware that it may not be sold or
otherwise disposed of within a period of two years from the date of its
acquisition, except upon payment of duty and/or taxes on its appraised
value at time of sale.

The following is a record of all automobiles acquired by me exempt from
Customs duty and/or Excise taxes since first arrival in Canada.

State Date cleared whether Current
make year model serial number
imported delivered licence
or made by local dealer number
in Canada

NOTE: If any of the automobiles described above have been sold or disposed
of full particulars of the transaction are to be given hereunder.

       ............................................
       ............................................
       ............................................
       ............................................
       ............................................
       ............................................

Signature of applicant
Official designation
Street address

NOTE: Applications should be countersigned by one of the senior officials
and should bear the official seal, indicating approval.

Signature of senior official
Title

[SEAL]
APPENDIX

"B"
(Place)

(Date)

APPLICATION

(Name and address of supplier)
Dear Sirs:
I .. . . . . . . . . . . .

. . . . . . . . ... . .......

(Full name)

having been officially recognized by the Department of External Affairs,
. . . . . . . . . . . . . .
Ottawa, as
. .s.i.n.
.
(Official designation)

hereby request shipment of the following goods free from excise duty and
taxes where applicable:
Quantity
Description
(Here list the goods in detail)

CERTIFICATE

I certify that the above-described goods are not for resale and are for
personal use only by the undersigned.
..

...

..

.....

(Countersigned)
Title ...........

..

Signature....

Official
designation ...
................................

..............

.............

[SEAL]
(d) ORDER-IN-COUNCIL P.C. 456 OF MARCH 31, 1954-

PRIVILEGES AND

IMMUNITIES OF THE INTERNATIONAL LABOUR OFFICE

His Excellency the Governor General in Council, on the recommendation

of the Secretary of State for External Affairs and by virtue of the powers
conferred by section 3 of the Privileges and Immunities (United Nations)

Act, is pleased, hereby, to revoke Order-in-Council P.C. 6283 of 14th
August 1941, " The Treaties of Peace (Status of the International Labour
Office) Order, 1941 ", and to make the following Order:
I. This Order may be cited as the Privileges and Immunities (Branch
Office, International Labour Office) Order.
2. For the purpose of this Order,


3. The Branch Office shall possess juridical personality; it shall have the legal capacities of a body corporate, including the capacity
   (a) To contract;
   (b) To acquire and dispose of immovable and movable property; and
   (c) To institute legal proceedings.

4. The Branch Office, its property and its 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 the Branch Office may expressly waive its immunity for the purpose of any proceedings or by the terms of any contract; no waiver of immunity shall, however, extend to any measure of execution.

5. (1) The premises of the Branch Office shall be inviolable.

   (2) The property and assets of the Branch Office, 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, except with the consent of and under the conditions agreed to by the Director-General of the International Labour Office, but this section shall not prevent the reasonable application of fire protection regulations.

   (3) The Branch shall, however, prevent the premises from becoming a refuge either for persons who are avoiding arrest or for persons who are endeavouring to avoid service or execution of legal process.

6. The archives of the Branch Office, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

7. The Branch Office, its assets, income and property, owned or occupied in Canada, shall be
   (a) Exempt from all direct taxes; it is understood, however, that the Branch Office 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 Branch Office for its official use; it is understood, however, that articles imported under such exemption will not be sold in Canada except under conditions agreed with the Government of Canada; and
   (c) Exempt from any prohibitions or restrictions on import, export or sale of its publications and exempt from customs duties and excise taxes in respect thereof.

8. When goods are purchased under appropriate certificates from manufacturers or wholesalers who are licensed under the Excise Tax Act, the Branch Office should be eligible to claim for the remission or refund of
the excise tax and/or the consumption or sales tax for goods imported or purchased in Canada for the official use of the Branch Office as a body; provided, however, that any article which is exempted from these taxes, other than publications of the Branch Office or the International Labour Office, shall be subject thereto at existing rates if sold or otherwise disposed of within a period of one year from the date of purchase and the vendor shall be liable for such tax.

9. The Branch Office shall enjoy in the territory of Canada for its official communications treatment not less favourable than that accorded by the Government of Canada to any foreign Government including its diplomatic mission in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

10. No censorship shall be applied to the official correspondence and other official communications of the Branch Office, the Branch Office 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; but nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Branch Office and the Government of Canada.

11. Except in so far as in any particular case any privilege or immunity is waived by the Director-General of the International Labour Office, the Senior Officials 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 immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens registration or national service obligations;

(c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(d) Be exempt from taxation on the salaries and emoluments paid to them by the International Labour Office;

(e) Enjoy the privilege of exemption in respect of themselves and their families from examination of baggage and other effects and admission thereof free of duty and taxes;

(f) Enjoy the privilege of admission of articles for their personal or family use free of duty and taxes at all times, provided that any article which was exempted from duty and taxes shall be subject thereto at the existing rates if sold or otherwise disposed of in Canada, within a period of one year in the case of articles other than motor vehicles, and two years in the case of motor vehicles, from the date of acquisition, and the vendor shall be liable for such duties and taxes;

(g) Be eligible to claim for the exemption from the excise duty imposed under the Excise Act on domestic spirits and tobacco purchased from licensed manufacturers in Canada; and

(h) Be eligible to claim exemption from excise and/or sales tax on domestic spirits, wine and tobacco products when purchased direct from licensed manufacturers for the personal use of the applicant, and on automobiles, ale,
beer and stout when purchased under appropriate certificate from licensed manufacturers; provided that any article which was exempted from these taxes shall be subject thereto at the existing rates if sold or otherwise disposed of within the period of one year from the date of purchase and the vendor shall be liable for such tax.

12. The Government of Canada shall not levy death taxes or succession duties on or in respect of property acquired for or incidental to residence in Canada by deceased Senior Officials who were not Canadian citizens at date of death; the Government of Canada shall make no impediment to the repatriation of such tax and duty-free property.

13. Except in so far as in any particular case any privilege or immunity is waived by the Director-General of the International Labour Office, other officials of the Branch Office 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 given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys; and

(c) Have the right to import free of duty their furniture and effects, including motor vehicles but not including spirituous liquors, at the time of first taking up their post in Canada.

14. The provisions of paragraphs (d) to (h) inclusive of section 11 and of paragraph (c) of section 13 shall not apply to any Canadian citizen residing or ordinarily resident in Canada; moreover, an official of the International Labour Office who is or becomes a resident of Canada upon retirement will not enjoy by virtue of this Order exemption from taxation on the pension which may be paid to him by the International Labour Office.

15. Privileges and immunities have been granted to officials in the interest of the International Labour Office and not for the personal benefit of the individuals themselves; and the Director-General of the International Labour Office shall have the right 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 International Labour Office.

16. The categories of officials to whom the provisions of sections 11, 12 and 13 shall apply shall be specified by the Director-General of the International Labour Office and the names of these officials shall be notified to the Secretary of State for External Affairs.

Order-in-Council P.C. 1791 of November 18, 1954 — Privileges and Immunities of the International Civil Aviation Organization

Whereas the Secretary of State for External Affairs reports:

That the Privileges and Immunities (United Nations) Act provides that the Governor in Council may by order grant to specialized agencies of which Canada is a Member and which are brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations, the privileges and immunities described in the Convention on Privileges and Immunities of the United Nations in the Schedule to the Act;

That the International Civil Aviation Organization is a specialized agency
and has been brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations;

That Canada is a Member of the International Civil Aviation Organization;

That by Order-in-Council P.C. 1774 of 11th April 1951, authority was granted by the Governor in Council to Lester Bowles Pearson to sign on behalf of Canada a Headquarters Agreement between Canada and the International Civil Aviation Organization establishing the privileges and immunities to be accorded to the International Civil Aviation Organization, to the Representatives of Members and to its officials in Canada in the form of a draft annexed to the said Order-in-Council P.C. 1774;

That in accordance with the provisions of the said Order-in-Council, Lester Bowles Pearson signed on behalf of Canada the Headquarters Agreement in the form and terms of the draft attached to the said Order-in-Council;

That by Article 41 of the Headquarters Agreement, a draft whereof was attached to the said Order-in-Council, it was provided that the Agreement should enter into force in accordance with an Exchange of Notes between the President of the Council and the Representative of the Government of Canada;

That in accordance with the provisions of the said Article 41 of the Headquarters Agreement, the Agreement entered into force on May 1, 1951, by an Exchange of Notes between the President of the Council and the Representative of the Government of Canada, Lester Bowles Pearson;

That doubts have been raised as to whether the privileges and immunities to be accorded to the International Civil Aviation Organization, to the Representatives of Members and to its officials in Canada have been effectively established in accordance with the provisions of the draft Agreement annexed to the said Order-in-Council; and

That it is expedient for the Government of Canada to ensure that the appropriate privileges and immunities be granted to the International Civil Aviation Organization, to the Representatives of Members and to its officials.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs and by virtue of the powers conferred by The Privileges and Immunities (United Nations) Act, is pleased to order and doth hereby order as follows:

1. Notwithstanding any other section of this Order, the International Civil Aviation Organization shall, in Canada, have the privileges and immunities set forth in Articles II and III of the Convention on the Privileges and Immunities of the United Nations, hereinafter referred to as the “Convention”, to the extent that these privileges and immunities are contained in the Agreement between the International Civil Aviation Organization and the Government of Canada regarding the Headquarters of the International Civil Aviation Organization, signed at Montreal on April 14, 1951, hereinafter referred to as the “Agreement”,

2. The International Civil Aviation Organization shall have the legal capacities of a body corporate.

3. (1) For the purposes of this section, the expression “representatives” shall have the meaning accorded by the Agreement to the expression “Representatives of Members” and shall include representatives of states and governments that are members of the International Civil Aviation
Organization and representatives of states attending conferences convened by the International Civil Aviation Organization.

(2) Representatives shall have in Canada the privileges and immunities set forth for Representatives of Members in Article IV of the Convention, to the extent that these privileges and immunities are extended to Representatives of Members by the Agreement, and subject to any terms or conditions set out in the Agreement.

(3) Representatives shall continue to have the immunities set forth in Article IV of the Convention to the extent that these are specified in paragraph (a) of section 12 of the Agreement notwithstanding that they are no longer the representatives of members.

(4) Where the incidence of any form of taxation depends upon residence, periods during which representatives are present in Canada for the discharge of their duties shall not be considered as periods of residence.

4. The President of the Council, the Secretary-General, the Deputy Secretary-General and all Assistant Secretaries-General shall in Canada have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations to the extent that these are set forth in the Agreement as applicable to senior officials of the International Civil Aviation Organization. Without restricting any other privileges or immunities accorded under this clause, the President of the Council and the Secretary-General of the International Civil Aviation Organization shall be accorded in respect of themselves, their spouses and minor children the same privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

5. Officials of the International Civil Aviation Organization whose names are included in the categories specified by the Secretary-General of the Organization in accordance with section 26 of the Agreement shall in Canada have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations to the extent that these are set forth in the Agreement. Such officials shall be deemed to have been designated by the Governor in Council pursuant to paragraph (d) of subsection (2) of section 3 of The Privileges and Immunities (United Nations) Act.

6. Nothing in this Order shall be construed as exempting a Canadian citizen residing or ordinarily resident in Canada, from liability for any taxes or duties imposed by any law in Canada.

7. For greater certainty, it is hereby declared that the foregoing privileges and immunities shall be deemed to have been provided by the Governor in Council by Order-in-Council P.C. 1774 of 11th April, 1951, and to have become effective on the first day of May, 1951, in accordance with the provisions of the Exchange of Notes between the President of the Counsel and L. B. Pearson as representative of the Government of Canada.

(f) ORDER-IN-COUNCIL P.C. 25/1530 OF OCTOBER 7, 1955 — REVENUE EXEMPTIONS GRANTED TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The Board recommend that Order-in-Council of July 28, 1955, P.C. 1955-26/1109 which authorized remission to the International Bank for Reconstruction and Development of sales tax paid or payable on goods

[Image]
purchased or imported by the Bank for its own use, under the provisions of
the Privileges and Immunities (United Nations) Act, 1947, be revoked,
and the following substituted therefor:

"The Board recommend that under the 'Bretton Woods Agreement
Act,' 1945, authority be granted for remission to the International Bank
for Reconstruction and Development, of sales tax paid or payable with
respect to goods either imported from abroad or purchased in Canada
by the Bank, such remission to be effected by means of a certificate
written across the face of the customs entry, the purchase order or the
invoice, and signed by an executive officer of the Bank, reading as follows:

"I hereby certify that the goods herein described are eligible for
remission of sales tax under the provisions of Article VII, Section 9 of
the Articles of Agreement of the International Bank for Reconstruction
and Development."

"(Place and date)

"(Signature)

"(Office held by signatory)"

Colombia

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under
Colombia.

Cuba

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under
Cuba.

Denmark

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under
Denmark.

Finland

Note: 1 In a note of 6 August 1959 received from the Permanent Mission
of Finland to the United Nations, it was stated that the Finnish legislation
on the legal status, privileges and immunities of the United Nations and of
the Specialized Agencies and other intergovernmental international organi-
izations is contained in the following acts and orders 2 which concern
mainly the acceptance and bringing into force of pertinent international
conventions:

1 See also the previous volume of this Series (ST/LEG/SER.B/10), under
Finland.
2 The titles of these acts and orders were translated by the Secretariat of the
United Nations.

(2) Act of 19 December 1947 respecting approval of the articles of agreement of the International Monetary Fund and the articles of agreement of the International Bank for Reconstruction and Development.

(3) Order of 6 February 1948 respecting the bringing into force of the articles of agreement of the International Monetary Fund and the articles of agreement of the International Bank for Reconstruction and Development (ibid., No. 2-3/48).

(4) Order of 12 March 1948 respecting the bringing into force of the Constitution of the United Nations Food and Agriculture Organization (ibid., No. 8/48).


(6) Order of 22 April 1949 respecting the bringing into force of the Convention on International Civil Aviation (ibid., No. 11/49).

(7) Order of 6 April 1950 respecting the bringing into force of the Convention of the World Meteorological Organization (ibid., No. 8/50).


(9) Order of 4 August 1956 respecting the bringing into force of the articles of agreement of the International Finance Corporation (ibid., No. 18-19/56).


(13) Order of 13 February 1959 respecting the bringing into force of the agreement on the establishment of the Organisation internationale de métrie légale (International Organisation for Legal Metrology) (ibid., No. 8/59).

(14) Order of 30 April 1959 respecting the bringing into force of the Convention on the Intergovernmental Maritime Consultative Organization (ibid., No. 20/59).
Germany, Federal Republic of

(A) Act concerning the accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations dated 21 November 1947 and concerning the granting of Privileges and Immunities to other International Organizations, of 22 June 1954

The Federal Parliament (Bundestag), with the approval of the Federal Council (Bundesrat) has enacted the following law:

Article 1

The accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, approved by the United Nations General Assembly on 21 November 1947, is ratified, with the exception of article III 7 (b) of the Convention.

Article 2

(1) The Convention is published below, with the force of law.

(2) The date on which the Convention enters into force, in accordance with article XI, section 44 thereof, shall be announced in the Bundesgesetzblatt. The annexes for each of the specialized agencies shall likewise be published, in their approved texts, in the Bundesgesetzblatt.

Article 3

(1) In order to promote the international relations of the Federal Republic, the Federal Government shall be empowered to extend the provisions of the Convention or of an annex published in accordance with article 2, paragraph (2) above, in whole or in part, to official international organizations which are not specialized agencies of the United Nations, or to grant to them such diplomatic privileges and immunities as it considers appropriate. The Federal Government shall further be empowered to grant to foreign welfare organizations and their foreign representatives in Federal territory, by special agreement, tax and customs exemptions within the framework of the abovementioned provisions.

(2) Further particulars shall be specified, with the approval of the Federal Council, through statutory orders, which shall be published in the Bundesgesetzblatt.

Article 4

This Act shall apply also in the Land Berlin, if the Land Berlin confirms its application.

Article 5

This Act shall enter into force on the day after its promulgation.

The foregoing Act is hereby promulgated.

Bonn, 22 June 1954.

1 Bundesgesetzblatt, 1954, part II, No. 12, p. 639.
**Act amending the Act concerning the accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations dated 21 November 1947 and concerning the granting of privileges and immunities to other international organizations, of 3 June 1957**

The Federal Parliament (Bundestag) has enacted the following law:

*Article 1*

The Act of 22 June 1954 concerning the accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations dated 21 November 1947 and concerning the granting of privileges and immunities to other international organizations (Bundesgesetzblatt II, p. 639) shall be amended as follows:

In Article 1, the words "with the exception of article III 7 (b) of the Convention" shall be deleted.

*Article 2*

This Act shall apply also in the Land Berlin, if the Land Berlin confirms its application.

*Article 3*

This Act shall apply in the Saar only upon expiry of the transitional period mentioned in article 3 of the Agreement between the Federal Republic of Germany and the French Republic for the Settlement of the Saar Question (Saar Agreement) of 27 October 1956 (Bundesgesetzblatt II, p. 1587).

*Article 4*

This Act shall enter into force on the day after its promulgation.

The constitutional rights of the Federal Council (Bundesrat) are guaranteed.

The foregoing Act is hereby promulgated.

Bonn, 3 June 1957.

**Order granting privileges and immunities to the North Atlantic Treaty Organization, national representatives, international staff and experts employed by the Organization, dated 30 May 1958**

In accordance with article 3 of the Act concerning the accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations dated 21 November 1947 and concerning the granting of privileges and immunities to other international organizations, of 22 June 1954 (Bundesgesetzblatt II,
p. 639), as amended by the Act of 3 June 1957 (Bundesgesetzblatt II, p. 469), it is hereby ordered, with the agreement of the Federal Council, that:

Article 1


(2) The Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, of 20 September 1951, is published below.

Article 2

This Order shall not apply in the Saar.

Article 3

(1) This Order shall enter into force on the day on which the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff of 20 September 1951 enters into force, in accordance with article 26 (2) thereof, for the Federal Republic of Germany.

(2) The date on which this Order enters into force shall be announced in the Bundesgesetzblatt.

Bonn, 30 May 1958.

(d) Announcement concerning the entry into force for the Federal Republic of Germany of the Agreement on the Status of the North Atlantic Treaty Organization, national representatives and international staff and concerning the entry into force of the Order granting Privileges and Immunities to the North Atlantic Treaty Organization, national representatives, international staff and experts employed by the Organization, dated 12 August 1958

In accordance with article 3 (2) of the Order granting privileges and immunities to the North Atlantic Treaty Organization, national representatives, international staff and experts employed by the Organization, of 30 May 1958 (Bundesgesetzblatt II, p. 117), it is hereby announced that the instrument of ratification by the Federal Republic of Germany of the Agreement on the status of the North Atlantic Treaty Organization, National Representatives and International Staff of 20 September 1951 was deposited with the Government of the United States of America at Washington on 25 July 1958.

The Agreement, in accordance with article 26 (2) thereof, entered into force for the Federal Republic of Germany on 25 July 1958.

1 Bundesgesetzblatt, 1958, part II, No. 23, p. 350.
The Order granting privileges and immunities to the North Atlantic Treaty Organization, national representatives, international staff and experts employed by the Organization, of 30 May 1958, also came into force, in accordance with article 3 (1) thereof, on 25 July 1958.

Bonn, 12 August 1958.

Ghana¹

(a) DIPLOMATIC IMMUNITIES AND PRIVILEGES ORDER (NO. 3) ²

Orders Nos. 103 of 1949, 94 of 1950. L.N. 495 of 1954

Title

1. This Order may be cited as the Diplomatic Immunities and Privileges Order (No. 3).

Order. Cap. 268

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

No waiver of immunity shall be deemed to extend to any measure of execution.

3. Except in so far as in any particular case any particular immunity or privilege is waived in accordance with the first proviso to this section 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, etc.

(a) Part II:

(i) of the International Labour Organisation, representatives of member Governments, employers' and workers' members and their substitutes, the Director-General, the Deputy Director-General and the Assistant Director-General thereof;

(ii) of the Food and Agriculture Organization, the representatives of member Governments, the Chairman of the Council, the Director-General and the Deputy Director-General thereof;

(iii) the International Civil Aviation Organization, representatives of member Governments, the Secretary-General or the Deputy Secretary-General and the President of the Council thereof;

(iv) of the United Nations Educational, Scientific and Cultural Organization, representatives of member Governments, the President of the Conference and members of the Executive Board, the Secretary-General and Deputy Secretary-General thereof;

(v) of the World Health Organization, representatives of member Governments, persons designated to serve on the Executive Board and alternates and advisers, the Director-General or the Deputy Director-General thereof;

¹ See also the previous volume of this Series (ST/LEG/SER.B/10), under Ghana.

(vi) of the International Refugee Organization, representatives of member Governments, the Director-General or Deputy Director-General thereof;

Other officers

(b) Part III:

(i) persons serving on Committees of, or employed on missions on behalf of, the International Labour Organization, the Food and Agriculture Organization, the International Civil Aviation Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the International Refugee Organization and other officials of these Organizations not referred to in paragraph (a) of this section;

(c) Part IV:

the spouses and children, under twenty-one, of persons accorded immunities and privileges under paragraph (a) of this section, the official staff of delegates, deputy delegates, advisers, technical experts and secretaries of delegations accompanying the said persons:

Provided always that no immunity or privilege shall be accorded if such immunity or privilege is waived,

(a) In the case of representatives of member Governments of any of the aforementioned Organizations, by the member Governments whom they represent; and

(b) In the case of other persons entitled to immunities and privileges under this Order, by the Organisation with which they are connected or of which they are officials:

And provided further that a list of such persons to be accorded immunities under this section shall be supplied (and amended as necessary from time to time) to the Secretary to the Governor by the senior member of the Organisation concerned present in the Gold Coast.

High officers, etc.

4. The extent of the immunities and privileges conferred by Section 3 (a) of this Order is specified as follows:

(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 Her 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 Gold Coast during any period when they are present in the Gold Coast whilst exercising their functions and during their journey to and from the place of meeting. The provisions of this section shall not apply to British subjects whose usual place of abode is in the Gold Coast.
Other officers

5. The extent of the immunities and privileges conferred by section 3 (b) of this Order is specified as follows:

(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 of all papers and documents relating to the work of the Organisation;

(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. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

Representatives of the Gold Coast

6. The provisions of section 4 of this Order shall not confer any immunity or privilege upon any person as the representative of the Gold Coast Government in the Gold Coast or as a member of the staff of such a representative or any person who is a British subject and who is not a representative of a Government of Her Majesty other than the Government of the Gold Coast or a member of the staff of and accompanying any such representative.

Schedule

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.

(b) Diplomatic Immunities and Privileges (Amendment) Order, 1956

Cap. 268

In exercise of the powers conferred upon the Governor by section 3 of the Diplomatic Privileges Ordinance, the following Order is hereby made:

Title. No. 103 of 1949

1. This Order may be cited as the Diplomatic Immunities and Privileges (Amendment) Order, 1956, and shall be read as one with the Diplomatic Immunities and Privileges Order (No. 2), 1949.

Amendment of paragraph 3 of Order No. 103 of 1949

2. In sub-paragraph (a) of paragraph 3 of the Diplomatic Immunities and Privileges Order (No. 2), 1949, immediately after the words “member Governments” where those words occur in item (iii), there shall be inserted the words, commas and brackets “to the Assembly or to the Council of the Organisation, to any Commission (however named) provided for in the constitution of the Organisation, or to any Committee of such Assembly, Council or Commission”.

Made at Accra this 7th day of February, 1956.

1 Page 82 et seq. of Laws of Ghana, Subsidiary Legislation and other Legal Notifications, 1956.
Title
1. This Order may be cited as the Diplomatic Immunities and Privileges (No. 2) Order, 1956.

Immunities and privileges conferred upon certain organisations
2. The organisations specified in the Schedule to this Order shall have the immunities and privileges, except in so far as any such organisation may expressly waive immunity from suit and legal process, set out in Part I of the Schedule to the Diplomatic Privileges Ordinance and shall have the legal capacities of bodies corporate:

Schedule. Cap. 268

Provided that no waiver of immunity shall be deemed to extend to any measure of execution.

Immunities and privileges accorded to representatives of certain organisations
3. (1) Except in so far as in any particular case any immunity or privilege is waived in accordance with the provisions of this Order, the following persons specified in respect of each organisation named shall have the immunities and privileges specified in sub-paragraph (2) of this paragraph:

(a) **The International Telecommunication Union**

Representatives of member Governments at plenipotentiary and administrative conferences, on the administrative council, on consultative committees or on any committee of any of these bodies;

(b) **The World Meteorological Organization**

Representatives of members at the World Meteorological Congress, on the Executive Committee, at regional associations, on technical commissions, or on any committee of any of these bodies;

(c) **The Universal Postal Union**

Representatives of members at Congresses, on the Executive and Liaison Committee, at administrative conferences or on commissions provided for in the constitution of the Union or on any committee of any of these bodies.

(2) The extent of the immunities and privileges accorded to any representatives under the provisions of sub-paragraph (1) of this paragraph shall be—

(a) While exercising their functions as such and during their journeys 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 things done or omitted to be done by them in their capacity as representatives;

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(c) Where the incidence of any form of taxation depends upon residence, such persons shall not be deemed to be resident in the Gold Coast during any period when they are present in the Gold Coast for the discharge of their duties.

(3) For the purposes of the application of this Order the expression “representatives” shall be deemed to include the following members of their official staffs accompanying them as such representatives—

- alternate representatives,
- advisers,
- technical experts,
- Secretaries of Delegations,

but shall not be construed to confer privileges or immunities on the staffs of representatives other than persons falling within the above mentioned descriptions.

(4) The provisions of this paragraph shall not confer any immunity or privilege upon any person as the representative of the Gold Coast Government in the Gold Coast or as a member of the staff of such a representative or upon any person who is a citizen of the United Kingdom and Colonies and who is not a representative of a Government of Her Majesty other than the Government of the Gold Coast or a member of the staff of and accompanying any such representative.

Immunities and privileges accorded to certain high offices. Cap. 268

4. Except in so far as in any particular case any privilege or immunity is waived in accordance with the provisions of this Order the Secretary-General of the International Telecommunication Union or of the World Meteorological Union or the Director of the Universal Postal Union (or any officer acting for any such person during his absence from duty) shall be accorded the immunities and privileges set out in Part II of the Schedule to the Diplomatic Privileges Ordinance, and such immunities and privileges shall be accorded in like manner to the spouses and to the children under twenty-one years of age, of such persons.

Immunities and privileges accorded to certain other officers

5. Except in so far as in any particular case any privilege or immunity is waived by the organisation concerned, the officials of any organisation specified in the Schedule to this Order, of any category specified by such organisation, shall be accorded —

Schedule

(a) Immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties;

(b) Exemption from income tax in respect of emoluments received by them as officers or servants of such organisation.

Waiver of immunity or privilege

6. No immunity or privilege shall be accorded under the provisions of this Order if such immunity or privilege is waived—

(a) In the case of representatives, by the Governments whom they represent; and
(b) In the case of other persons, by the organisations of which they are officials.

Compilation of list of persons entitled to immunity and privilege

7. The names of persons to be accorded immunities and privileges under the provisions of this Order shall be notified in writing to the Secretary to the Governor by the senior member of the organisation concerned present in the Gold Coast.

SCHEDULE

The International Telecommunication Union;
The World Meteorological Organization;
The Universal Postal Union.

Made at Accra this 7th day of February, 1956.

(d) WORLD METEOROLOGICAL ORGANIZATION (PROTECTION) ACT, 1959
(No. 20 of 1959)

Short title

1. This Act may be cited as the World Meteorological Organization (Protection) Act, 1959.

Improper use of WMO official seal, emblem and name prohibited

2. It shall not be lawful for any person, without the authority of the Minister responsible for Transport and Communications, to use for any purpose whatsoever any of the following, that is to say:—
   (a) The design in the Schedule to this Act which is the official seal and emblem of the World Meteorological Organization, or
   (b) The designation “World Meteorological Organization” or any abbreviation of that designation.

Penalties

3. If any person contravenes the provisions of the foregoing section he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and to forfeit any goods upon or in connection with which the seal emblem or designation was used.

SCHEDULE

SCEAU OFFICIEL ET EMBLEM de l’Organisation météorologique mondiale (OMM).

The Official Seal and Emblem of the World Meteorological Organization (WMO).
(e) **World Health Organization (Protection) Act, 1958**  
(No. 41 of 1958)

**Short title**

1. This Act may be cited as the World Health Organisation (Protection) Act, 1958.

**Improper use of WHO emblem or name prohibited**

2. It shall not be lawful for any person, without the authority of the Minister responsible for health, to use for any purpose whatsoever any of the following, that is to say:—

   (a) The design in the Schedule to this Act which is the official seal and emblem of the World Health Organisation, or

   (b) The designation “World Health Organisation” or any abbreviation of that designation.

**Penalties**

3. If any person contravenes the provisions of the foregoing section he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and to forfeit any goods upon or in connection with which the seal, emblem or designation was used.

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**Schedule**

Emblème de l'Organisation mondiale de la santé (OMS).  
**Emblem** of the World Health Organisation (WHO).

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**Greece**

*Note*: See the previous volume of this *Series* (ST/LEG/SER.B/10), under Greece.

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**Guatemala**

*Note*: See the previous volume of this *Series* (ST/LEG/SER.B/10), under Guatemala.

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**Hungary¹**

Note of 27 August 1959 received from the Permanent Representative of the Hungarian People's Republic to the United Nations

At present only one inter-governmental international organization, the Danube Commission, has its headquarters on the territory of Hungary.

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¹ See also the previous volume of this *Series* (ST/LEG/SER.B/10), under Hungary.
Par. 14 of the Convention establishing the Danube Commission done at Belgrade on August 18, 1948 reads as follows:

"The Commission has legal personality in conformity with the laws of the country of its residence.

"The Members of the Commission and the officials appointed by the Commission enjoy diplomatic privileges. The offices, files and the various documents of the Commission are inviolable."

**Italie**

*Note:* Voir le volume précédent de cette *Série* (ST/LEG/SER.B/10), rubrique Italie.

**Japan**

*Note:* See the previous volume of this *Series* (ST/LEG/SER.B/10), under Japan.

**Korea (Republic of)**

*Note:* See the previous volume of this *Series* (ST/LEG/SER.B/10), under Korea (Republic of).

**Luxembourg**

a) **Arrêté grand-ducal du 13 octobre 1950 relatif à l'exécution de la Convention sur les privilèges et immunités des institutions spécialisées relées à l'Organisation des Nations Unies**

*Article 1er.* — La Convention du 21 novembre 1947 sur les privilèges et immunités des institutions spécialisées relées à l'Organisation des Nations Unies sera applicable aux institutions suivantes:

1° Organisation internationale du Travail;
2° Organisation des Nations Unies pour l'alimentation et l'agriculture;
3° Organisation de l'aviation civile internationale;
4° Organisation des Nations Unies pour l'éducation, la science et la culture;
5° Fonds monétaire international;
6° Banque internationale pour la reconstruction et le développement;
7° Organisation mondiale de la santé;
8° Union postale universelle;
9° Union internationale des télécommunications;
10° Organisation internationale des réfugiés.

*Article 2.* — Le texte de la Convention susvisée, ensemble avec les annexes relatives aux institutions mentionnées à l'article 1er, seront publiés au *Mémorial.*

Luxembourg, le 13 octobre 1950.

1 For the original French text of this article see the Second part of this volume.
NOTE. — Dans une lettre en date du 13 août 1959, reçue du Ministère des affaires étrangères du Grand-Duché de Luxembourg, il est indiqué que les organisations suivantes jouissent également des privilèges et immunités accordés aux institutions spécialisées reliées aux Nations Unies par la Convention du 21 novembre 1947: Organisation météorologique mondiale, Fonds international de secours à l’enfance, Haut Commissariat pour les réfugiés. Dans cette lettre il est également indiqué que les organisations suivantes bénéficient de privilèges et immunités:


Arrêté grand-ducal du 29 août 1953, portant publication de l’Accord concernant les laissez-passer conclu à Luxembourg, le 18 août 1953, entre la Haute Autorité de la C.E.C.A. et les Gouvernements de la République fédérale d’Allemagne, du Royaume de Belgique, de la République française, de la République italienne, du Grand-Duché de Luxembourg et du Royaume des Pays-Bas. (Mémorial 1953, p. 1124.)

Loi du 7 août 1956 concernant l’octroi de certains privilèges à la C.E.C.A. et aux missions accréditées auprès de la Communauté. (Mémorial 1956, p. 928.) [Pour le texte de cette loi, voir infra, b.]


6) Loi du 20 juin 1949 portant approbation de l’Accord signé à Paris, le 21 décembre 1945, concernant les réparations à recevoir de l’Allemagne,
l’institution d'une Agence interalliée des réparations et la restitution de l’or monétaire. (I.A.R.A., art. 15. — (Mémorial 1949, p. 682 et suiv.)

7) Protocole additionnel n° 1 à la Convention de coopération économique européenne sur la capacité juridique, les privilèges et les immunités de l’Organisation, signé à Paris, le 16 avril 1948. (Mémorial 1949, p. 360 et suiv.)


(b) Loi du 7 août 1956 concernant l’octroi de certains privilèges à la Communauté européenne du charbon et de l’acier et aux missions accréditées auprès de la Communauté 1

Article 1er. — L’exemption des droits et taxes frappant l’importation et des droits d’accise est accordée aux membres de la Haute Autorité, ainsi qu’aux juges, aux avocats généraux et au greffier de la Cour de justice de la Communauté européenne du charbon et de l’acier, dans la même mesure et dans les mêmes conditions qu’elle est accordée aux chefs des missions diplomatiques accréditées au Luxembourg.

Article 2. — Les missions d’États non membres, accréditées auprès de la Communauté européenne du charbon et de l’acier, jouiront du même statut que les missions diplomatiques de même nationalité accréditées au Luxembourg.

Les membres de ces missions, pour autant qu’ils aient un statut diplomatique reconnu par le Gouvernement, jouiront des privilèges et immunités accordés, à rang égal, aux membres des missions diplomatiques de même nationalité accréditées au Luxembourg.

Article 3. — L’octroi des privilèges et immunités visés par l’article 2 est subordonné en outre aux dispositions convenues éventuellement entre le Gouvernement et la Haute Autorité.

Netherlands

Nota: See the previous volume of this Series (ST/LEG/SER.B/10), under Netherlands.

New Zealand 2

(a) Diplomatic Privileges (FAO) Order 1959 No. 52

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

1 Mémorial, 1956, p. 928.

2 See also the previous volume of this Series (ST/LEG.SER.B/10), under New Zealand.
2. The Food and Agriculture Organization of the United Nations (hereinafter called the Organization) is hereby declared to be an organization the members of which are the Governments of sovereign Powers.

**Immunities and Privileges of the Organization**

3. The Organization 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 Organization shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

5. The Organization 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 Organization 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 Organization 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 Organization shall have exemption from taxes on the importation of goods directly imported by the Organization for its official use in New Zealand or for exportation, or on the importation of any publications of the Organization 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 Organization shall have 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, 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 Organization 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 Members and of the Chairman of the Council**

11. (1) Except in so far as in any particular case any immunity or privilege is waived, in the case of representatives of member Governments, by the Governments concerned, and in the case of the Chairman of the Council, by the Council of the Organization, representatives of member Governments on any organ of the Organization or at any conference convened by the Organization and the Chairman of the Council of the Organization 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 Officers

12. Except in so far as in any particular case any immunity or privilege is waived by the Organization, the Director-General and the Deputy Director-General of the Organization 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 Organization, persons employed on missions on behalf of the Organization 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 Organization;

(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) Exemption 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 Organization, all officials of the Organization (other than those referred to in clause 12 hereof) shall enjoy—

(a) 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;

(b) Exemption from ordinary income tax and social security income tax in respect of emoluments received by them as officers or servants of the Organization;

(c) 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 (FAO) Order 1957¹ is hereby revoked.

(b) Diplomatic Privileges (ICAO) Order 1959 No. 53

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

2. The International Civil Aviation Organization (hereinafter called the Organization) is hereby declared to be an organization the members of which are the Governments of sovereign Powers.

Immunities and Privileges of the Organization

Immunities and Privileges of Representatives of Members

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

Immunities and Privileges of High Officers

12. Except in so far as in any particular case any immunity or privilege is waived by the Organization, the Secretary-General, the Deputy Secretary-General, and any Assistant Secretary-General of the Organization and the President of the Council of the Organization 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 Serving on Committees of the Organization or Employed on Missions

13. Except in so far as in any particular case any immunity or privilege is waived by the Organization, persons (other than officials of the Organization) serving on committees of, or employed on missions on behalf of, the Organization shall enjoy—

Immunities and Privileges of Other Officials

Miscellaneous

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

¹ S.R. 1957/140.
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 (International Civil Aviation Organisation) Order 1948¹ is hereby revoked.

*Note:* The other provisions of this order are, *mutatis mutandis,* similar to the corresponding provisions of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a).

(c) Diplomatic Privileges (ILO) Order 1959 No. 54

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

2. The International Labour Organisation (hereinafter called the Organisation) is hereby declared to be an Organisation the members of which are the Governments of sovereign Powers.

**Immunities and Privileges of the Organisation**

**Immunities and Privileges of Representatives of Members and of Members of the Governing Body of the International Labour Office**

11. (1) Except in so far as in any particular case any immunity or privilege is waived,—

(a) In the case of any representative of a member of the Organisation and of any member of the Governing Body of the International Labour Office who is a representative of a Government of a member, by the Government concerned; and

(b) In the case of employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes, by the Governing Body,—

representatives of a member of the Organisation and all members and deputy members of the Governing Body of the International Labour Office and their substitutes shall enjoy the immunities and privileges specified in subclause (2) of this clause.

(2) The immunities and privileges referred to in subclause (1) of this clause are as follows:

(a) While exercising their functions as such representatives, members, deputy members, or substitutes, 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

¹ S.R. 1948/158.
Customs and excise duties or sales tax except in respect of goods imported as part of their personal baggage.

(3) 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 Officers**

12. Except in so far as in any particular case any immunity or privilege is waived by the Organisation, the Director-General, the Deputy Director-General, and any Assistant Director-General of the Organisation 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 Serving on Committees of the Organisation or employed on Missions**

13. Except in so far as in any particular case any immunity or privilege is waived by the Organisation, persons (other than officials of the Organisation) serving on committees of, or employed on missions on behalf of, the organisation shall enjoy—

**Immunities and Privileges of Other Officials**

**Application to Island Territories**

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.

*Note: The other provisions of this Order are, *mutatis mutandis*, similar to the corresponding provisions of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a).*

**(d) DIPLOMATIC PRIVILEGES (ITU) ORDER 1959 No. 55**

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

2. The International Telecommunication Union (hereinafter called the Union) is hereby declared to be an organization the members of which are the Governments of sovereign Powers.

**Immunities and Privileges of the Union**

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1 The provisions of sections 3-9 of this Order are, *mutatis mutandis*, similar to the corresponding provisions of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a). The provision contained in section 10 of the latter does not appear in this Order.
10. (1) Except in so far as in any particular case any immunity or privilege is waived by the member Government concerned, representatives of member Governments on any organ of the Union or at any conference convened by the Union shall enjoy—

**Immunities and Privileges of High Officers**

11. Except in so far as in any particular case any immunity or privilege is waived by the Union, the Secretary-General of the Union (or any officer acting for him during his absence from duty) 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 Other Officials**

12. Except in so far as in any particular case any immunity or privilege is waived by the Union, all officials of the Union (other than those referred to in clause 11 hereof) shall enjoy—

(a) 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;

(b) Exemption from ordinary income tax and social security income tax in respect of emoluments received by them as officers or servants of the Union;

(c) 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.

**Application to Island Territories**

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

14. 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.

(e) **Diplomatic Privileges (South Pacific Commission)**

Order 1959 No. 56

1. This order may be cited as the Diplomatic Privileges (South Pacific Commission) Order 1959.

2. The South Pacific Commission (hereinafter called the Commission) is hereby declared to be an organization the members of which are the Governments of sovereign Powers.

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1 The remaining part of this section is, mutatis mutandis, similar to the corresponding part of section 11 of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a).
5. The Commission 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; Provided that the Commission shall not allow its premises to serve as a refuge for any person not entitled to immunity under this order against whom legal process has been issued by the competent New Zealand authorities.

11. (1) Except in so far as in any particular case any immunity or privilege is waived by the member Government concerned, representatives of member Governments on the Commission or at any conference convened by the Commission 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) For the purposes of this order the expression "representatives of member Governments" includes all Commissioners, alternates, advisers, technical experts, secretaries of delegations, and members of the Research Council, other than full-time members.

(3) 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.

12. Except in so far as in any particular case any immunity or privilege is waived by the Commission, officers of the Commission holding the offices of Secretary-General and Deputy Secretary-General 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

Immunities and Privileges of Other Officials
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 (South Pacific Commission) Order 1951 is hereby revoked.

Note: The other provisions of this Order are, mutatis mutandis, similar to the corresponding provisions of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a).

(f) **DIPLOMATIC PRIVILEGES (UNESCO) ORDER 1959 No. 57**

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

2. The United Nations Educational, Scientific and Cultural Organization (hereinafter called the Organization) is hereby declared to be an organization the members of which are the Governments of sovereign Powers.

**Immunities and Privileges of the Organization**

**Immunities and Privileges of Representatives of Members, the President of the Conference, and Members of the Executive Board**

11. (1) Except in so far as in any particular case any immunity or privilege is waived, in the case of representatives of member Governments, by the Governments concerned, in the case of the President of the Conference, by the Organization, and in the case of members of the Executive Board, by the Executive Board of the Organization, representatives of member Governments on any organ of the Organization or at any Conference convened by the Organization, the President of the Conference of the Organization, and members of the Executive Board of the Organization shall enjoy—

**Immunities and Privileges of High Officers**

**Immunities and Privileges of Persons employed on Missions**

**Immunities and Privileges of Other Officials**

**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.

1 S.R. 1951/301.
17. The Diplomatic Privileges (UNESCO) Order 1951 \(^1\) is hereby revoked.

*Note:* The other provisions of this Order are, *mutatis mutandis*, similar to the corresponding provisions of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a).

\((g)\) DIPLOMATIC PRIVILEGES (UPU) ORDER 1959 No. 58

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

2. The Universal Postal Union (hereinafter called the Union) is hereby declared to be an organization the members of which are the Governments of sovereign Powers.

**Immunities and Privileges of the Union**

**Immunities and Privileges of Representatives of Members**

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

**Immunities and Privileges of High Officers**

12. Except in so far as in any particular case any immunity or privilege is waived by the Union, the Director of the International Bureau of the Union (or any officer acting for him during his absence from duty) 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 Other Officials**

Application to Island Territories

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

15. 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.

*Note:* The provisions of sections 3-10, the remaining part of section 11 and the provisions of section 13 of this Order are, *mutatis mutandis*, similar to the corresponding provisions of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a).

\((h)\) DIPLOMATIC PRIVILEGES (WHO) ORDER 1959 No. 59

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

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\(^1\) S.R. 1951/300.
2. The World Health Organization (hereinafter called the Organization) is hereby declared to be an organization the members of which are the Governments of sovereign Powers.

_Immunities and Privileges of the Organization_

_Immunities and Privileges of Representatives of Members and of Members of the Executive Board_

11. (1) Except in so far as in any particular case any immunity or privilege is waived, in the case of representatives of member Governments, by the Governments concerned, and in the case of the Executive Board, by the Executive Board of the Organization, representatives of member Governments (including associate members) on any organ of the Organization or at any conference convened by the Organization and members of the Executive Board of the Organization shall enjoy —

_Immunities and Privileges of High Officers_

12. Except in so far as in any particular case any immunity or privilege is waived by the Organization, the Director-General and any Deputy Director-General, Assistant Director-General, and Regional Director of the Organization 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 serving on Committees of the Organization or employed on Missions_

13. Except in so far as in any particular case any immunity or privilege is waived by the Organization, persons (other than officials of the Organization) serving on committees or expert advisory panels of the Organization or employed on missions on behalf of the Organization shall enjoy —

_Immunities and Privileges of Other Officials_

_Application to Island Territories_

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.

_Note:_ The other provisions of this Order are, _mutatis mutandis_, similar to the corresponding provisions of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a).

(i) _Diplomatic Privileges (WMO) Order 1959 No. 60_

1. This order may be cited as the Diplomatic Privileges (WMO) Order 1959.
2. The World Meteorological Organization (hereinafter called the Organization) is hereby declared to be an organization the members of which are the Governments of sovereign Powers.

Immunities and Privileges of the Organization

10. The Organization 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 Members

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

Immunities and Privileges of High Officers

12. Except in so far as in any particular case any immunity or privilege is waived by the Organization, the Secretary-General of the Organization (or any officer acting for him during his absence from duty) 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

Immunities and Privileges of Other Officials

Application to Island Territories

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.

Note: The other provisions of this Order are, mutatis mutandis, similar to the corresponding provisions of the Diplomatic Privileges (FAO) Order 1959, No. 52, cited above (a).

Nicaragua

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Nicaragua:

Norway

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Norway.
Pakistan

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Pakistan.

Peru

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Peru.

Poland

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Poland.

Suisse

Arrêté du Conseil fédéral suisse concernant le statut des Bureaux internationaux réunis pour la protection de la propriété industrielle, littéraire et artistique, 16 août 1960

Le Conseil fédéral suisse,

Vu les actes constitutifs de l'Union de Paris pour la protection de la propriété industrielle et l'Union de Berne pour la protection des œuvres littéraires et artistiques, qui placent sous sa surveillance les Bureaux des deux Unions,

Compte tenu de ce que ces Bureaux sont soumis à une même direction, sous la dénomination commune « Bureaux internationaux réunis pour la protection de la propriété industrielle, littéraire et artistique »,

Sur la proposition de son Département politique,

Arrêté :

A. — Dispositions relatives aux Bureaux internationaux réunis pour la protection de la propriété industrielle, littéraire et artistique

Article premier

Définitions

1. Le présent Statut s'applique aux Bureaux internationaux réunis pour la protection de la propriété industrielle, littéraire et artistique (ci-après dénommés « Bureaux internationaux réunis »), ainsi qu'à chacun des Bureaux dont ceux-ci se composent et, si la mention en est faite expressément, aux Unions de Paris et de Berne.

2. Les Bureaux internationaux réunis sont des organes officiels, dont l'originalité consiste à ne travailler pour le compte d'aucun pays en particulier, mais à servir tous ceux qui participent aux conventions en vertu desquelles ces Bureaux existent.

3. Toute disposition du présent Statut applicable au Bureau d'une Union est applicable aux Bureaux internationaux réunis comme tels.

Voir également le volume précédent (ST/LEG/SER.B/10), rubrique Suisse.
4. Toute disposition du présent Statut applicable aux Unions de Paris et de Berne (ci-après dénommées « Unions ») est également applicable aux Unions particulières constituées au sein de celles-ci.

**ARTICLE 2**

*Siège*

Le siège des Bureaux internationaux réunis est à Genève.

**ARTICLE 3**

*Capacité juridique*

Les Unions et leurs Bureaux ont la capacité juridique en Suisse.

**ARTICLE 4**

*Immunité de juridiction*

Les Unions et leurs Bureaux ne peuvent être actionnés devant les tribunaux suisses ou soumis à des prescriptions édictées par les autorités publiques suisses sans le consentement exprès de l'autorité de surveillance.

**ARTICLE 5**

*Inviolabilité*

1. Les propriétés des Unions et de leurs Bureaux, ainsi que les locaux dans lesquels ces derniers sont installés, sont inviolables. Nul agent de l'autorité publique ne peut y pénétrer pour un acte de ses fonctions sans le consentement du directeur des Bureaux internationaux réunis.

2. Les fonds et les archives des Unions et de leurs Bureaux sont inviolables. Il en est de même des caisses de secours et de retraite et des fonds d'assurance institués par les Unions ou par les Bureaux eux-mêmes en faveur du personnel de ces derniers.

**ARTICLE 6**

*Immunité fiscale*

1. Les Unions et leurs Bureaux sont exemptés de tous droits, taxes et impôts présents et futurs, de quelque nom qu'on les désigne et quelle que soit l'autorité publique qui les lève, à l'exception de l'impôt foncier, des impôts indirects non couverts par le chiffre 4 et des taxes correspondant à une prestation de l'autorité publique.

2. Cette exemption s'applique également aux caisses de secours et de retraite et aux fonds d'assurance dont il est question à l'article 5, chiffre 2.

3. S'il y a lieu, l'exonération sera effectuée par voie de remboursement.

4. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

**ARTICLE 7**

*Cotisations*

Le transfert des cotisations des pays membres des Unions sera facilité autant que possible, en particulier lorsque la voie du trafic des paiements réglementés sera utilisée.
ARTICLE 8
Courriers

1. Les Bureaux internationaux réunis ont la faculté de faire usage de courriers pour la réception et l'envoi de la correspondance officielle avec les pays membres des Unions.

2. Si des circonstances particulières le rendent désirable, ils peuvent également utiliser les courriers diplomatiques du Département politique fédéral pour la réception et l'envoi de ladite correspondance.

B. — DISPOSITIONS RELATIVES AUX AGENTS DES BUREAUX INTERNATIONAUX RÉUNIS

ARTICLE 9
Définition

Les agents des Bureaux internationaux réunis sont exclusivement des fonctionnaires internationaux ayant des attributions non pas nationales, mais internationales. Ils ne peuvent demander ni recevoir des instructions particulières d'aucun gouvernement et ne doivent déployer aucune activité politique.

ARTICLE 10
Immunités diplomatiques

1. Pendant la durée de leurs fonctions, les agents hors classe, de nationalité non suisse, des Bureaux internationaux réunis jouissent, ainsi que les membres de leurs familles, des mêmes privilèges et immunités que les membres du Corps diplomatique à Berne.

2. Ces privilèges et immunités peuvent être levés par décision du Conseil fédéral.

ARTICLE 11
Immunité fiscale et autres facilités

Tous les agents de nationalité non suisse des Bureaux internationaux réunis jouissent, pendant la durée de leurs fonctions, des privilèges et immunités suivants:

a) Immunité fiscale, dans la même mesure que les membres du corps diplomatique à Berne.

b) Le Département politique fédéral se charge de faciliter l'entrée et le séjour en Suisse, ainsi que les déplacements à l'étrangers desdits agents, lesquels sont dispensés de s'annoncer directement aux autorités de police suisses et de déposer leurs papiers d'identité; ces agents reçoivent du Département politique une carte de légitimation.

ARTICLE 12
Immunité de juridiction

Tous les agents des Bureaux internationaux réunis jouissent de l'immunité de juridiction pour les actes accomplis par eux dans l'exercice de leurs fonctions officielles.
C. — Dispositions diverses

ARTICLE 13

Organisation et fonctionnement des Bureaux internationaux réunis

L'organisation et le fonctionnement des Bureaux internationaux réunis font l'objet d'un règlement arrêté par le Conseil fédéral.

ARTICLE 14

Communication du statut aux pays membres des unions

Le présent Statut sera communiqué par la voie diplomatique aux gouvernements des pays membres des Unions.

ARTICLE 15

Dispositions finales et entrée en vigueur

Le présent Statut remplace le Statut des Bureaux internationaux placés sous la surveillance des autorités de la Confédération suisse, du 31 janvier 1947, dans la mesure où il concerne les Bureaux internationaux réunis. Il entre en vigueur le 16 août 1960.

Berne, le 16 août 1960.

Au nom du Conseil fédéral suisse,
Pour le Président de la Confédération:
(signé) P. CHAUDET
Le Vice-Chancelier,
(signé) F. WEBER

Sweden

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Sweden.

Thailand


H.M. King Bhumiphol Adulydej has been graciously pleased to proclaim that:

Whereas it is expedient to specify the Specialized Agencies of the United Nations to be recognized as juristic persons and having their domicile in Thailand;

By virtue of Section 95 of the Constitution of the Thai Kingdom B.E. 2475 as amended in B.E. 2495 and Section 3 of the Act concerning the Operation of the United Nations Organization and its Specialized Agencies in Thailand, B.E. 2498, a Royal Decree is, therefore, enacted as follows:

1 See also the previous volume of this Series (ST/LEG/SER.B/10), under Thailand.
Section 1. — This Royal Decree shall be called the “Royal Decree specifying the Specialized Agencies of the United Nations, B.E. 2499.”

Section 2. — This Royal Decree shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. — The following Specialized Agencies of the United Nations shall be specialized Agencies of the United Nations under Section 3 of the Act concerning the Operation of the United Nations Organization and its Specialized Agencies in Thailand, B.E. 2498:

1. Food and Agricultural Organization;
2. International Civil Aviation Organization;
3. International Labour Organization;
4. United Nations Educational, Scientific and Cultural Organization;
5. International Monetary Fund;
6. International Bank for Reconstruction and Development;
7. World Health Organization;
8. World Meteorological Organization;

Union of South Africa

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Union of South Africa.

United Kingdom of Great Britain and Northern Ireland

(a) Diplomatic Privileges (International Labour Organisation) Order in Council, 1949 2 (as amended 3)

Made 28th January, 1949
Laid before Parliament 31st January, 1949
Coming into Operation 11th February, 1949

At the Court at Sandringham, the 28th day of January, 1949

Present

The King's Most Excellent Majesty in Council

Whereas by Section 1 of the Diplomatic Privileges (Extension) Act, 1944, 4 as amended by the Diplomatic Privileges (Extension) Act, 1946 5 hereinafter referred to together as “the Act”, it is enacted:

1 See also the previous volume of this Series (ST/LEG/SER.B/10), under United Kingdom. The texts included in the section relating to the United Kingdom were provided in October 1959 by the Permanent Representative of the United Kingdom to the United Nations.
2 Statutory Instruments, No. 133, 1949.
4 7 and 8 Geo. 6. c. 44.
5 9 and 10 Geo. 6. c. 66.
That the provisions of that Section shall apply to any 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 may 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 in accordance with Section 37 of the Convention on the Privileges and Immunities of the Specialised Agencies, the International Labour Organisation, on 14th September, 1948, deposited with the Secretary-General of the United Nations the final text of the Annex to the said Convention which concerns the said Organisation:

And Whereas His Majesty's Government in the United Kingdom has, in accordance with Section 41 of the said Convention acceded to the said Convention in respect of the International Labour Organisation by depositing with the Secretary-General of the United Nations an instrument of accession:

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:

A. The Organisation

1. The International Labour Organisation is an organisation of which His Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

2. The International Labour Organisation shall have the legal capacities of a body corporate and except in so far as in any particular case it has expressly waived its immunity, immunity from suit and process. No waiver of immunity shall be deemed to extend to any measure of execution.

3. The International Labour Organisation 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 International Labour Organisation 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 International Labour Organisation 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 of the 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.

6. The International Labour Organisation shall have 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.

7. The International Labour Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matters 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: Members of the Governing Body of the International Labour Office

8. (1) Except in so far as any privilege or immunity is waived, (a) in the case of any representative of a Member of the International Labour Organisation and of any member of the Governing Body of the International Labour Office who is a representative of a Government of a Member, by the Government of that Member, and (b) in the case of employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes by the Governing Body, representatives of a Member of the International Labour Organisation and all members and deputy members of the Governing Body of the International Labour Office and their substitutes, 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 or as members of the Governing Body of the International Labour Office, as the case may be.

(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 whilst 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.

(2) For the purpose 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.

(3) The provisions of the preceding paragraphs of this Article shall not confer any immunity or privilege upon any person as the representative of His Majesty's Government in the United Kingdom or a member of the staff of such a 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 a member of the staff of and accompanying any such representative.

C. High Officials

9. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the International Labour Organisation holding the offices of Director-General, Deputy Director-General and Assistant Director-General 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, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. Persons Serving on Committees of or employed on Missions on behalf of the Organisation

10. Except in so far as in any particular case any privilege is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of the International Labour Organisation 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 of all papers and documents relating to the work of the Organisation;

(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. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the International Labour Organisation.

E. Other Officials of the Organisation

11. Except in so far as in any particular case any privilege or immunity is waived by the International Labour Organisation, all officials of the Organisation (other than those referred to in Article 9 above) 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;

(b) Exemption from income tax in respect of emoluments received by them as officers or servants of the International Labour Organisation.

F. General

12. The names of the persons to whom the provisions of Articles 8, 9 and 10 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.

13. This Order may be cited as the Diplomatic Privileges (International Labour Organisation) Order in Council, 1949.

14. This Order shall be laid before Parliament. It shall come into operation on the 11th day of February, 1949, and the Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

Edward Ford

(b) Diplomatic Privileges (International Civil Aviation Organization) Order in Council, 1949, as amended

B. Representatives of Members

8. (1) 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 Assembly or to the Council of the Organization, to any Commission (however named) provided for in the constitution of the Organization or to any Committee of such Assembly, Council or Commission shall enjoy:

Note: The remaining part of article 8 and the other provisions of this Order are, mutatis mutandis, similar to the corresponding provisions of the Diplomatic Privileges (ILO) Order in Council, 1949, as amended, cited above (a).

(c) Diplomatic Privileges (World Health Organization) Order in Council, 1949, as amended

B. Representatives of Members and of the Executive Board of the World Health Organization

8. (1) Except in so far as in any particular case any privilege or immunity is waived, in the case of representatives of member Governments, by the member Governments whom they represent, and in the case of persons designated to serve on the Executive Board of the World Health Organization and their alternates and advisers, by the Executive Board, representatives

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1 Statutory Instruments, No. 134, 1949.
of member Governments and persons designated to serve on the Executive Board of the Organization and their alternates and advisers shall enjoy:

Note: The remaining part of article 8 and the other provisions of this Order are, mutatis mutandis, similar to the corresponding provisions of the Diplomatic Privileges (ILO) Order in Council, 1949, as amended, cited above (a).

(d) INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE WORLD HEALTH ORGANIZATION) (AMENDMENT NO. 2) ORDER, 1955

1. (i) The Principal Order shall have effect as if in Article 8 thereof references to representatives of member Governments included references to representatives of the Governments of Associate Members of the Organisation. (ii) For the purposes of this Order, the expression "representatives of the Governments of Associate Members of the Organisation" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(e) DIPLOMATIC PRIVILEGES (FOOD AND AGRICULTURE ORGANIZATION) ORDER IN COUNCIL, 1949

B. REPRESENTATIVES OF MEMBERS: CHAIRMAN OF THE COUNCIL OF THE ORGANIZATION

8. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments, by the Governments whom they represent and, in the case of the Chairman of the Council of the Organisation, by the Council of the Food and Agriculture Organisation, representatives of member Governments, and the Chairman of the Council of the Organisation shall enjoy:

Note: The remaining part of article 8 and the other provisions of this Order are, mutatis mutandis, similar to the corresponding provisions of the Diplomatic Privileges (ILO) Order in Council, 1949, as amended, cited above (a).

(f) DIPLOMATIC PRIVILEGES (UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION) ORDER IN COUNCIL, 1949

1 Statutory Instruments, No. 1210, 1955.
2 See (e) above.
3 Statutory Instruments, No. 834, 1949.
B. Representatives of Members: The President of the Conference:
Members of the Executive Board of the Organization

8. (1) Except in so far as any privilege or immunity is waived, in the
case of representatives of member Governments, by the Governments whom
they represent; in the case of the President of the Conference, by the Or-
ganisation; and in the case of members of the Executive Board, by the
Executive Board of the Organisation; representatives of member Govern-
ments, the President of the Conference of the Organisation, and members
of the Executive Board of the Organisation shall enjoy:

Note: The remaining part of article 8 and the other provisions of this
Order are, mutatis mutandis, similar to the corresponding provisions of the
Diplomatic Privileges (ILO) Order in Council, 1949, as amended, cited
above (a).

(g) DIPLOMATIC PRIVILEGES (ORGANISATION FOR EUROPEAN
ECONOMIC CO-OPERATION) ORDER IN COUNCIL, 1949

Made . . . . . . 29th September, 1949
Laid before Parliament 30th September, 1949
Coming into Operation 13th October, 1949

At the Court at Buckingham Palace, the 29th day of September, 1949

Present

The King's Most Excellent Majesty in Council

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"; it is enacted:

That the provisions of that Section shall apply to any organisation of
which His Majesty's Government in the United Kingdom and the Govern-
ment 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 may have the legal capacities of a body corporate;

That His Majesty may, by Order in Council, confer upon the repre-
sentatives of member Governments on the governing body or any com-
mittee of the organization, 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;

1 Statutory Instruments, No. 1831, 1949.
2 7 and 8 Geo. 6. c. 44.
3 9 and 10 Geo. 6. c. 66.
And Whereas the Supplementary Protocol No. 1 attached to the Convention for European Economic Co-operation signed on the 16th April, 1948, provides for the grant of certain capacities, privileges and immunities respecting the Organisation for European Economic Co-operation;

And Whereas His Majesty's Government in the United Kingdom has ratified the said Convention for European Economic Co-operation and the Convention came into force on the 28th July, 1948;

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:

B. Representatives of Members: The President of the Conference: Members of the Executive Board of the Organisation

8. (1) Except in so far as any privilege or immunity is waived by the Governments whom they represent, representatives of member Governments to the Council, the Executive Committee, or any Technical Committee or other committee or body of the Organisation shall enjoy:

D. Persons Employed on Missions on behalf of the Organisation

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons employed on missions on behalf of the Organisation 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 of all papers and documents relating to the work of the Organisation;

(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.

Note: The other provisions of this Order are, mutatis mutandis, similar to the corresponding provisions of the Diplomatic Privileges (ILO) Order in Council, 1949, as amended, cited above (a).

(h) INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE COUNCIL OF EUROPE) ORDER IN COUNCIL, 1950, AS AMENDED

Made 28th July, 1950

At the Court at Buckingham Palace, the 28th day of July, 1950

Present

The King's Most Excellent Majesty in Council

Whereas by Section 1 of the International Organisations (Immunities and Privileges) Act, 1950, (hereinafter referred to as the Act) it is enacted:
That the provisions of 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;

That His Majesty may, by Order in Council, provide that any organisation to which this Section applies 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 the Act and shall have the legal capacities of a body corporate;

That His Majesty may, by Order in Council, confer on the representatives (whether of Governments or not) on any organ 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 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 privileges and immunities;

And Whereas, in pursuance of the provisions of Article 40 (a) of the Statute of the Council of Europe,¹ the General Agreement on Privileges and Immunities of the Council of Europe was signed at Paris on the 2nd September, 1949,² on behalf of His Majesty's Government in the United Kingdom and the Governments of other members of the Council of Europe;

And Whereas His Majesty's Government in the United Kingdom desire to ratify the aforesaid General Agreement;

And Whereas it is expedient, in exercise of the powers aforesaid, to make provision for the privileges and immunities of the Council of Europe in accordance with the aforesaid General Agreement:

And Whereas a draft of this Order has been laid before Parliament in accordance with the provisions of Section 6 of the Act and an address has been presented to His Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft.

Now, therefore, His Majesty, by virtue and in exercise of the powers aforesaid in his behalf conferred on him by the 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: —

A. The Organisation

1. The Council of Europe set up by the Statute signed in London on the 5th of May, 1949, is an organisation of which the United Kingdom and foreign sovereign Powers are members.

2. The Council of Europe 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 Council of Europe shall have the like inviolability of the 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.

¹ Cmd. 7778.
² Cmd. 7780.
4. The Council of Europe 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 Council of Europe shall have exemption from taxes on the im-
portation of goods directly imported by the Council for its official use in
the United Kingdom or for exportation, or on the importation of any
publications of the Council 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.

6. The Council of Europe shall have exemption from prohibitions and
restrictions on importation or exportation in the case of goods directly
imported or exported by the Council for its official use and in the case of
any publications of the Council directly imported or exported by it.

"B. Representatives of Members, other than representatives of Her Majesty's
Government, on Organs or Committees of the Organisation,
other than the Consultative Assembly

7. (i) Except in so far as any privilege or immunity is waived by the
Governments whom they represent, permanent representatives of the
Governments of members of the Council of Europe shall, while exercising
their functions as such and during their journeys to and from the place of
meeting, 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 the envoy of a foreign sovereign Power accredited to Her
Majesty.

(ii) Except in so far as any privilege or immunity is waived by the
Governments whom they represent, representatives of the Governments of
members of the Council of Europe, other than permanent representatives
or any person referred to in Article 8 of this Order, to the Committee of
Ministers or attending meetings of the Ministers' Deputies or attending any
other meeting convened by the Council of Europe when neither the Com-
mittee of Ministers nor the Ministers' Deputies are in session shall enjoy:

(a) While exercising their functions as such and during their journeys
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, except that representatives attending meetings convened
when neither the Committee of Ministers nor the Ministers' Deputies are in
session shall not be exempt from arrest or prosecution where found
committing, attempting to commit or just having committed a criminal
offence.

(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 representa-
tives.

(iii) For the purposes of the application of paragraph (ii) of this Article
the expression "representatives" shall be deemed to include, in addition
to the representatives, the following members of their official staffs accom-
panying them as such representatives:

Alternate representatives,
Advisers,
Technical experts,
Secretaries of Delegations,
and Part IV of the Schedule to the Act shall not operate so as to confer
privileges or immunities on the staffs of representatives to which this Article
applies other than on those persons falling within the above-mentioned
descriptions.

(iv) The provisions in the preceding paragraphs of this Article shall not
confer any immunity or privilege on any person as the representative or
permanent representative of Her Majesty's Government in the United
Kingdom or as a member of the staff of such a representative or on any
person who is a citizen of the United Kingdom and Colonies."

C. Representatives of members on the Consultative Assembly

8. Representatives to the Consultative Assembly and their substitutes
shall have, in respect of words spoken or votes cast by them in the exercise
of their functions, immunity from arrest and from all legal proceedings.

9. During the period of the sessions of the Consultative Assembly, while
attending meetings of Committees or Sub-Committees of the Consultative
Assembly whether or not that Assembly is itself in session and during their
journeys to and from the place of meeting, representatives to the Consultative
Assembly and their substitutes shall enjoy in the United Kingdom:

(a) If they are representatives of the United Kingdom or the substitutes
of such representatives, and whether they are Members of Parliament or
not, the same immunity from arrest or legal process as Members of Parliament
enjoy under the law and custom of the United Kingdom.

(b) If they are representatives or substitutes of such representatives of
members of the Council other than the United Kingdom, immunity from
arrest and prosecution;
except in cases where
(i) The Consultative Assembly has waived the immunity; or
(ii) They are found committing, attempting to commit or just having
committed a criminal offence.

D. High officials of the Council of Europe

10. Except in so far as in any particular case any privilege or immunity
is waived by the Council, officers of the Council holding the offices of Secre-
tary-General and Deputy Secretary-General shall be accorded, in respect of
themselves, their spouses and minor children, the like immunity from suit
and legal process, the like inviolability of residence as is accorded to the
envoy of a foreign sovereign Power accredited to His Majesty, his spouse
and children, and exemption from income tax in respect of emoluments
received by them as officers of the organisation.

E. Other officials of the Council

11. Except in so far as any privilege or immunity is waived by the
Council, all officials of the Council of Europe of the categories specified by
the Secretary-General shall enjoy:

(a) Immunity from suit and legal process in respect of words spoken or
things done in the course of the performance of their official duties:

(b) Exemption from income tax in respect of emoluments received by
them as officials of the Council.
"F. Members of the European Commission of Human Rights"

12. Except in so far as any privilege or immunity is waived by the European Commission of Human Rights, members of the European Commission of Human Rights shall enjoy:

(a) While exercising their functions as such and during their journeys to and from their 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 members; and Part IV of the Schedule to the Act shall not operate so as to confer privileges or immunities on the staffs of members to which this Article applies."

G. General

13. The names of the persons to whom the provisions of Articles 7, 8, 9, 10 and 12 of this Order apply shall be set forth in the list compiled and published from time to time by the Secretary of State under Section 2 (1) of the Act and such lists shall show with 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 on which he ceased to hold that office or employment.

14. This Order may be cited as the International Organisations (Immunities and Privileges of the Council of Europe) Order in Council, 1950. It shall come into force as soon as the General Agreement on Privileges and Immunities of the Council of Europe enters into force. This date shall be notified in the London Gazette. 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

(i) International Organisations (Immunities and Privileges of the International Telecommunication Union) Order, 1954

Made 4th November, 1954

Coming into Operation (On a date to be notified in the London Gazette)

At the Court at Buckingham Palace, the 4th day of November, 1954

Present

The Queen's Most Excellent Majesty in Council

Whereas by Section 1 of the International Organisations (Immunities and Privileges) Act, 1950, (hereinafter referred to as the Act) it is enacted:

That the provisions of this Section shall apply to any organisation declared by Order in Council to be an organisation of which the United Kingdom

1 Statutory Instruments, No. 1467, 1954.
2 17th December, 1954.
3 14 Geo. 6. c. 14.
(or Her Majesty's Government therein) and one or more foreign sovereign
Powers (or the Government or Governments thereof) are members;
That Her Majesty may, by Order in Council, provide that any organi-
sation to which this Section applies 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 the Act and shall have the legal capacities of a body corporate.
That Her Majesty may, by Order in Council, confer on the representatives
(whether of Governments or not) on any organ of the organisation and upon
officers and servants of the organisation, the immunities and privileges set
forth 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 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 privileges and immunities;
And Whereas the International Telecommunication Union, on the six-
teenth day of January, 1951, deposited with the Secretary-General of the
United Nations a notification that it accepted the standard clauses of the
Convention on Privileges and Immunities for the Specialised Agencies of
the United Nations except that it did not claim for itself the enjoyment of
privileged treatment with regard to the facilities in respect of communications
provided in Article IV, Section 11, and the said Convention thereupon
became applicable to the Union in accordance with Section 37 thereof;
And Whereas Her Majesty's Government in the United Kingdom desire
to undertake to apply the provisions of the said Convention to the Inter-
national Telecommunication Union in accordance with Section 43 thereof;
And Whereof a draft of this Order has been laid before Parliament in
accordance with the provisions of Section 6 of the Act and an address has
been presented to Her Majesty by each House of Parliament praying that
an Order be made in the terms of the said draft;
Now, therefore, Her Majesty, by virtue and in exercise of the powers in
this behalf conferred on Her by the Act or otherwise in Her Majesty vested,
is pleased, by and with the advice of Her Privy Council, to order, and it is
hereby ordered, as follows:

A. The Organisation

1. The International Telecommunication Union (henceforth referred
to as the Union) is an organisation of which the United Kingdom and
foreign sovereign Powers are members.

2. The Union shall have the legal capacities 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 Union 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 Her Majesty.

4. The Union 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 Union shall have exemption from taxes on the importation of goods directly imported by the Union for its official use in the United Kingdom or for exportation, or on the importation of any publications of the Union 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.

6. The Union shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Union for its official use and in the case of any publications of the Union directly imported or exported by it.

B. Representatives, other than Representatives of Her Majesty's Government in the United Kingdom, on Organs or Committees of the Union

7. (i) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of member Governments at plenipotentiary and administrative conferences, on the administrative council, on consultative committees or on any committee of any of these bodies shall enjoy:

(a) While exercising their functions as such and during their journeys 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 things done or omitted to be done by them in their capacity as representatives.

(ii) Where the incidence of any form of taxation depends upon residence, representatives shall not be deemed to be resident in the United Kingdom during any period when they are present in the United Kingdom for the discharge of their duties.

(iii) For the purpose of the application of this Article the expression "representatives" shall be deemed to include, in addition to the representatives, the following members of their official staffs accompanying them as such representatives: —

Alternate representatives,
Advisers,
Technical experts,
Secretaries of Delegations,

and Part IV of the Schedule to the Act shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons falling within the above-mentioned descriptions.

(iv) The provisions of the preceding paragraphs of this Article shall not confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the staff of such representative or on any person who is a citizen of the United Kingdom and Colonies.

C. High Officials of the Union

8. Except in so far as in any particular case any privilege or immunity is waived by the Union, any officer of the Union holding the office of Secretary-General (including any officer acting for him during his absence
from duty) shall be accorded in respect of himself, his spouse and his 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, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, and exemption from income tax in respect of emoluments received by him as an officer of the Union.

D. Other Officials of the Union

9. Except in so far as in any particular case any privilege or immunity is waived by the Union, officials of the Union of any category specified by it shall enjoy:

(a) Immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties;

(b) Exemption from income tax in respect of emoluments received by them as officers or servants of the Union.

E. General

10. The names of the persons to whom the provisions of Articles 7 and 8 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 2 (1) 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.

11. This Order may be cited as the International Organisations (Immunities and Privileges of the International Telecommunication Union) Order, 1954. It shall come into force on the date on which the said Convention enters into force for the United Kingdom in respect of the Union. This date shall be notified in the London Gazette. And the Right Honourable Sir Anthony Eden, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. Agnew

(j) INTERNATIONAL ORGANISATION; (IMMUNITIES AND PRIVILEGES OF THE UNIVERSAL POSTAL UNION) ORDER, 1954

Note: The provisions of Articles 1-7 of this Order are, mutatis mutandis, similar to the provisions of the corresponding articles of the Diplomatic Privileges (ILO) Order in Council, 1949, as amended, cited above (a).

B. Representatives, other than Representatives of Her Majesty's Government in the United Kingdom, on Organs or Committees of the Union

8. (1) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of members at Congresses, on the Executive and Liaison Committee, at

1 Statutory Instruments, No. 1466, 1954.
administrative conferences or on commissions provided for in the constitution of the Union, or any committee of any of these bodies shall enjoy:

**Note:** The remaining part of article 8 as well as the provisions of articles 9-11 of this Order are, *mutatis mutandis*, similar to the provisions of articles 7 (a) and (b) and 8-10 of the International Organisation (Immunities and Privileges of the International Telecommunication Union) Order, 1954, cited above (i).

(k) **INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE WORLD METEOROLOGICAL ORGANIZATION) ORDER, 1954**

**Note:** The provisions of this Order are, *mutatis mutandis*, similar to those of the International Organisations (Immunities and Privileges of the Universal Postal Union) Order, 1954, cited above (j).

(i) **INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE CUSTOMS CO-OPERATION COUNCIL) ORDER, 1954**

**Note:** The provisions of articles 1-7 of this Order are similar to those of the corresponding articles of the Diplomatic Privileges (ILO) Order in Council, 1949, as amended, cited above (a).

B. **Representatives, other than Representatives of Her Majesty's Government in the United Kingdom, on Organs or Committees of the Council**

8. (i) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of members at meetings of the Council, the Permanent Technical Committee and committees of the Council shall enjoy:

(a) While exercising their functions as such and during their journeys 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 things done or omitted to be done by them in their capacity as representatives.

(ii) For the purposes of the application of this Article the expression "representatives" shall be deemed to include, in addition to the representatives, the following members of their official staffs accompanying them as such representatives: —

Alternate representatives,
Advisers,
Technical experts,
Secretaries of Delegations,

and Part IV of the Schedule to the Act shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons falling within the above-mentioned descriptions.

1 Statutory Instruments, No. 1469, 1954.
2 Statutory Instruments, No. 1468, 1954.
(iii) The provisions of the preceding paragraphs of this Article shall not confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the staff of such representative or on any person who is a citizen of the United Kingdom and Colonies.

C. High Officials of the Council

9. Except in so far as in any particular case any privilege or immunity is waived by the Council, the Secretary-General of the Council shall be accorded, in respect of himself, his spouse 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, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, and exemption from income tax in respect of emoluments received by him as an officer of the Council.

10. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the Council, the Deputy Secretary-General shall be accorded the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to a diplomatic representative of comparable rank on the staff of an envoy of a foreign sovereign Power accredited to Her Majesty, and exemption from income tax in respect of emoluments received by him as an officer of the Council, and Part IV of the Schedule shall not operate to confer any privilege or immunity on his spouse or children.

D. Persons employed on Missions on behalf of the Council

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

(a) While exercising their functions as such, and during their journeys to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents relating to the work of the Council.

(b) Immunity from suit and legal process in respect of words written or spoken and things done or omitted to be done by them in the exercise of their functions and within the limits of their authority.

E. Other Officials of the Council

12. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the Council, all officials of the Council of any category specified by the Council shall enjoy:

(a) Immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties.

(b) With effect from the fourth day of November, 1952, exemption from income tax in respect of emoluments received by them as officers or servants of the Council.
F. General

13. The names of the persons to whom the provisions of Articles 8 to 11 of this Order apply shall be set forth in the list compiled from time to time by the Secretary of State under Section 2 (1) of the Act and such list shall show with 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 on which he ceased to hold that office or employment.

14. This Order may be cited as the International Organisations (Immunities and Privileges of the Customs Co-operation Council) Order, 1954. It shall come into force on the date on which it is made. And the Right Honourable Sir Anthony Eden, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. Agnew

(m) INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE NORTH ATLANTIC TREATY ORGANISATION) ORDER, 1954

Made 4th November, 1954

Coming into Operation (On a date to be notified in the London Gazette)

At the Court at Buckingham Palace, the 4th day of November, 1954

Present

The Queen's Most Excellent Majesty in Council

Whereas by Section 1 of the International Organisations (Immunities and Privileges) Act, 1950 (hereinafter referred to as the Act) it is enacted:

That the provisions of this Section shall apply to any organisation declared by Order in Council to be an organisation of which the United Kingdom (or Her Majesty's Government therein) and one or more foreign sovereign Powers (or the Government or Governments thereof) are members;

That Her Majesty may, by Order in Council, provide that any organisation to which this Section applies 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 the Act and shall have the legal capacities of a body corporate;

That Her Majesty may, by Order in Council, confer on the representatives (whether of Governments or not) on any organ of the organisation, upon officers and servants of the organisation and upon persons employed on missions on behalf of the organisation, the immunities and privileges set forth 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 and to the families of certain high officers of the organisation any immunities and privileges conferred

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1 Statutory Instruments, No. 1471, 1954.
2 10th December, 1954.
3 14 Geo. 6. c. 14.
on the representatives or officers, except in so far as the operation of the said Part IV is excluded by the Order conferring privileges and immunities;

And Whereas an Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff (hereinafter referred to as the Agreement) was signed at Ottawa on the twentieth day of September, 1951, and provides for the granting of certain immunities and privileges respecting the Organisation;

And Whereas Her Majesty's Government in the United Kingdom desires to ratify the Agreement;

And Whereas it is expedient, in exercise of the powers aforesaid, to make provision for the privileges and immunities of the North Atlantic Treaty Organisation in accordance with the Agreement;

And Whereas a draft of this Order has been laid before Parliament in accordance with the provisions of Section 6 of the Act and an address has been presented to Her Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

A. The Organisation

1. The North Atlantic Treaty Organisation (hereinafter referred to as the Organisation) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

2. The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case the Secretary-General of the Organisation or in his absence his Deputy or such other person as the Council of the Organisation may decide, acting on behalf of the Organisation, has expressly authorised the waiver of its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution or detention of property.

3. The Organisation 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 Her Majesty.

4. The Organisation 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 Organisation 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 of Customs and Excise may prescribe for the protection of the Revenue.

6. The Organisation shall have exemption from quantitative 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 publication of the Organisation directly imported or exported by it.
B. Representatives, other than Representatives of Her Majesty's Government in the United Kingdom, on Organs or Committees of the Organisation

7. Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, every person designated by a member of the Organisation to be its principal permanent representative to the Organisation in the United Kingdom and such members of his official staff resident in the United Kingdom as may be agreed between Her Majesty's Government in the United Kingdom and the Organisation shall enjoy the like immunity from suit and legal process, the like inviolability of residence and, as from the twentieth day of September, 1951, the like exemption or relief from taxes as is accorded to a diplomatic representative accredited to Her Majesty, and to his official staff, of comparable rank.

8. (i) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which he represents, every representative of a member of the Organisation to the Council of the Organisation or to any of its subsidiary bodies shall, while present in the United Kingdom for the discharge of his duties, enjoy:

(a) Immunity from personal arrest or detention and from seizure of his personal baggage and inviolability for all papers and documents.

(b) Immunity from legal process in respect of words spoken or written and of things done or omitted to be done by him in his capacity as representative.

(ii) Where the incidence of any form of taxation depends upon residence, any representative to whom this Article applies shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.

(iii) For the purposes of the application of this Article, the expression "representative" shall be deemed to include, in addition to the representative, the following members of his official staff accompanying him as such representative:

- Alternate representatives,
- Advisers,
- Technical experts.

9. (i) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, the official clerical staff, other than persons referred to in Articles 7 or 8 of this Order, of a representative of a member of the Organisation to the Council of the Organisation or to any of its subsidiary bodies shall, while accompanying the representative and present in the United Kingdom for the discharge of their duties, enjoy:

(a) Immunity from legal process in respect of words spoken or written and of things done or omitted to be done by them in their official capacity.

(b) Inviolability for all papers and documents.

(ii) Where the incidence of any form of taxation depends upon residence, official clerical staff to which this Article applies, if accompanying such a representative as aforesaid, shall not be deemed to be resident in the United Kingdom during any period when they are present in the United Kingdom for the discharge of their duties.

10. (i) Nothing in Articles 7, 8 or 9 of this Order shall confer any privilege or immunity on any person as the representative of the United
Kingdom or as a member of the staff of such representative or on any person who is a citizen of the United Kingdom and Colonies.

(ii) Part IV of the Schedule to the Act shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons referred to in Articles 7, 8 and 9 of this Order.

11. The expression "subsidary bodies" in Articles 8 and 9 means any organ, committee or service established by the Council of the Organisation or under its authority, except any military headquarters established pursuant to the North Atlantic Treaty ¹ and other military bodies to which the Agreement does not apply.

C. High Officials of the Organisation

12. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, the Secretary-General of the Organisation, the Co-ordinator of North Atlantic Defence Production and such other permanent officials of similar rank as may be agreed between the Secretary-General of the Organisation and Her Majesty’s Government in the United Kingdom shall be accorded the like immunity from suit and legal process, the like inviolability of residence and, as from the twentieth day of September, 1951, the like exemption or relief from taxes, other than income tax, as is accorded to a diplomatic representative of comparable rank accredited to Her Majesty, and, as from the twentieth day of September, 1951, exemption from income tax in respect of emoluments received by them as officers of the Organisation; provided that if any such officer is a citizen of the United Kingdom and Colonies he shall enjoy only:

(a) Immunity from suit and legal process in respect of words spoken or written or things done or omitted to be done by him in the course of the performance of his official duties.

(b) Inviolability for all papers and documents relating to the work on which he is engaged for the Organisation.

(c) As from the twentieth day of September, 1951, and so long as paragraph (h) of Article 14 of this Order applies to officials who are citizens of the United Kingdom and Colonies, exemption from income tax in respect of emoluments received by him as an officer of the Organisation.

D. Persons employed on Missions on behalf of the Organisation

13. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, experts, other than any person referred to in Article 12 or 14 of this Order, employed on missions on behalf of the Organisation shall so far as is necessary for the effective exercise of their functions while present in the United Kingdom for the discharge of their duties, enjoy:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage.

(b) Immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties.

(c) Inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

¹ Cmd. 7789.
Provided that, if any such expert is a citizen of the United Kingdom and Colonies, he shall not enjoy any immunity under paragraph (a) of this Article.

E. Other Officials of the Organisation

14. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, all officials of the Organisation of categories agreed between Her Majesty's Government in the United Kingdom and the Secretary-General of the Organisation, shall enjoy:

(a) Immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in their official capacity and within the limits of their authority.

(b) As from the twentieth day of September, 1951, exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

Provided that paragraph (b) of this Article shall cease to apply to officials who are citizens of the United Kingdom and Colonies upon the modification or termination of any arrangement entered into by a Member State under Article 19 of the Agreement for the employment by that State of its nationals serving on the international staff of the Organisation and the payment of their salaries from its own funds.

F. General

15. The names of the persons to whom the provisions of Articles 7, 8, 9, 12 and 13 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 2 (1) 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.

16. This Order may be cited as the International Organisations (Immunities and Privileges of the North Atlantic Treaty Organisation) Order, 1954. It shall come into force on the date on which the Agreement enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette. And the Right Honourable Sir Anthony Eden, Her Majesty’s Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. Agnew


Made 29th July, 1955

Coming into operation on a date to be notified in the London Gazette

At the Court at Goodwood House, the 29th day of July, 1955

Present,

The Queen’s Most Excellent Majesty in Council

Whereas by Section 1 of the International Organisations (Immunities and Privileges) Act, 1950 (a), (hereinafter referred to as the Act) it is enacted:

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1 Statutory Instruments, No. 1208, 1955.
That the provisions of this Section shall apply to any organisation declared by Order in Council to be an organisation of which the United Kingdom (or Her Majesty's Government therein) and one or more foreign sovereign Powers (or the Government or Governments thereof) are members;

That Her Majesty may, by Order in Council, provide that any organisation to which this Section applies shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part 1 of the Schedule to the Act, and shall also have the legal capacities of a body corporate;

And Whereas Article VI of the Agreement for the Establishment of the Commission for Technical Co-operation in Africa South of the Sahara (hereinafter referred to as the Agreement), which was signed at London on the eighteenth day of January, 1954, provides for the granting to the Commission of such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes;

And Whereas Her Majesty's Government in the United Kingdom have ratified the Agreement;

And Whereas a draft of this Order has been laid before Parliament in accordance with Section 6 of the Act and an Address has been presented to Her Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft;

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. The Commission for Technical Co-operation in Africa South of the Sahara (hereinafter referred to as the Commission) is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

2. The Commission shall have the legal capacities of a body corporate.

3. This Order may be cited as the International Organisations (Immunities and Privileges of the Commission for Technical Co-operation in Africa South of the Sahara) Order, 1955. It shall come into operation on the date when the Agreement enters into force for the United Kingdom. This date shall be notified in the London Gazette. And the Right Honourable Harold Macmillan, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. AGNEW

(a) INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF WESTERN EUROPEAN UNION) ORDER, 1955

C. Representatives to the Assembly of the Organisation

12. Representatives to the Assembly of the Organisation and their substitutes shall have, in respect of words spoken or votes cast by them in the exercise of their functions, immunity from arrest and all legal proceedings.

1 Statutory Instruments, No. 1209, 1955.
13. During the period of the sessions of the Assembly, while attending meetings of Committees or Sub-Committees of the Assembly whether or not that Assembly is itself in session and during their journeys to and from the place of meeting, representatives to the Assembly and their substitutes shall enjoy in the United Kingdom:

(a) If they are representatives of the United Kingdom or the substitutes of such representatives, and whether they are Members of Parliament or not, the same immunity from arrest or legal process as Members of Parliament enjoy under the law and custom of the United Kingdom.

(b) If they are representatives of members of the Organisation other than the United Kingdom, or substitutes of such representatives, immunity from arrest and prosecution;

except in cases where

(i) The Assembly has waived the immunity; or

(ii) They are found committing, attempting to commit or just having committed a criminal offence.

F. Other Officials of the Organisation

16. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, all officials of the Organisation of categories specified by the Council of the Organisation shall enjoy:

(a) Immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in their official capacity and within the limits of their authority.

(b) As from the sixth day of May 1955, exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

G. General

17. The names of the persons to whom the provisions of Articles 7, 8, 9, 12, 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 2 (1) 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. The Diplomatic Privileges (Brussels Treaty Permanent Commission) Order in Council, 1948¹ and the Diplomatic Privileges (Brussels Treaty Permanent Commission) (Amendment No. 2) Order in Council, 1949² are hereby revoked.

19. This Order may be cited as the International Organisations (Immunities and Privileges of Western European Union) Order, 1955. It shall come into operation on the date on which the Agreement enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette. And the Right Honourable Harold Macmillan, Her Majesty’s Principal Secretary of State for Foreign Affairs, is to give the necessary directions therein.

W. G. Agnew

Note: The other provisions of this Order are, *mutatis mutandis*, similar to the corresponding provisions of International Organizations (Immunities and Privileges of the North Atlantic Treaty Organisation) Order, 1954, cited above (*m*).


\(p\) INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE INTERNATIONAL TIN COUNCIL) ORDER, 1956 \(^1\)

Made 3rd August, 1956

Coming into operation 3rd August, 1956

At the Court at Arundel Castle, the 3rd day of August, 1956

Present,

The Queen's Most Excellent Majesty in Council

Whereas by Section 1 of the International Organisations (Immunities and Privileges) Act, 1950 \(^2\) (hereinafter referred to as the Act) it is enacted:

That the provisions of this Section shall apply to any organisation declared by Order in Council to be an organisation of which the United Kingdom or Her Majesty's Government therein and one or more foreign sovereign Powers or the government or governments thereof are members; and

That Her Majesty may, by Order in Council, provide that any organisation to which this Section applies 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 the Act, and shall also have the legal capacities of a body corporate;

And Whereas Her Majesty's Government in the United Kingdom are a member of the International Tin Council as established by the International Tin Agreement opened for signature at London on the first day of March, 1954 (hereinafter referred to as the Agreement);

And Whereas paragraph 1 (b) of Article IV of the Agreement provides that the seat of the Council shall be in London;

And Whereas Her Majesty's Government in the United Kingdom are required by paragraphs (21) and (22) of Article IV of the Agreement to confer on the International Tin Council the legal capacities of a body corporate, and to grant exemption from taxation on the assets, income and other property of the International Tin Council;

And Whereas a draft of this Order has been laid before Parliament in accordance with Section 6 of the Act and an Address has been presented to Her Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. The International Tin Council (hereinafter referred to as the Council) is an organisation of which Her Majesty's Government in the United Kingdom and the governments of foreign sovereign Powers are members.

2. The Council shall have the legal capacities of a body corporate.

\(^1\) Statutory Instruments, No. 1214, 1956.

\(^2\) 14 Geo. 6. c. 14.
3. The Council 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.

4. This Order may be cited as the International Organizations (Immunities and Privileges of the International Tin Council) Order, 1956. It shall come into operation on the date on which it is made. And the Right Honourable Selwyn Lloyd, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. Agnew

(q) INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE INTERNATIONAL TIN COUNCIL) (AMENDMENT) ORDER, 1957

Made 31st July, 1957

Coming into operation on a date to be notified
in the London Gazette

At the Court at Goodwood House, the 31st day of July, 1957

Present
The Queen's Most Excellent Majesty in Council

Whereas by Section 1 of the International Organisations (Immunities and Privileges) Act, 1950 (hereinafter referred to as the Act) it is enacted:

That the provisions of this Section shall apply to any organisation declared by Order in Council to be an organisation of which the United Kingdom or Her Majesty’s Government therein and one or more foreign sovereign Powers or the government or governments thereof are members; and

That Her Majesty may, by Order in Council, confer upon such classes of officers and servants of the Organisation as may be specified in the Order the immunities and privileges set out in Part III of the Schedule to the Act to such extent as may be so specified;

And Whereas by Sub-section 2 of Section 6 of the Act it is enacted that any power conferred by the 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 Sub-section 1 of Section 6 of the Act;

And Whereas Her Majesty so declared in the case of the International Tin Council (hereinafter referred to as the Council) established by the International Tin Agreement opened for signature on the first day of March, 1954 (hereinafter referred to as the Agreement) by the International Organisations (Immunities and Privileges of the International Tin Council) Order, 1956 (hereinafter referred to as the Principal Order):

And Whereas paragraph 1 (b) of Article IV of the Agreement provides that the seat of the Council shall be in London:

And Whereas Her Majesty’s Government in the United Kingdom desire to accept an amendment of the Agreement whereby they are required by paragraph (23) of Article IV of the Agreement as amended to grant ex-

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1 Statutory Instruments, No. 1365, 1957.
3 S.I. 1956/1214.
emption from taxation on remuneration paid by the Council to certain employees of the Council:

And Whereas it is expedient to vary the Principal Order accordingly:

And Whereas a draft of this Order has been laid before Parliament in accordance with Section 6 of the Act and an Address has been presented to Her Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. The following Article shall be inserted after Article 3 of the Principal Order.

"4. All employees of the Council except citizens of the United Kingdom and Colonies shall enjoy exemption from income tax in respect of emoluments received by them as officers or servants of the Council."

2. Article 4 of the Principal Order shall be renumbered as Article 5.

3. This Order may be cited as the International Organisations (Immunities and Privileges of the International Tin Council) (Amendment) Order, 1957, and shall be read as one with the Principal Order.

4. It shall come into operation on the date on which the amendment relating to paragraphs (22) and (23) of Article IV of the Agreement enters into force in respect of the United Kingdom. This date shall be notified in the London Gazette. And the Right Honourable Selwyn Lloyd, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. AGNEW

INTERNATIONAL SUGAR COUNCIL (IMMUNITIES AND PRIVILEGES) ORDER, 1958

Laid before Parliament in draft

Made 19th December, 1958

Coming into operation on a date to be notified in the London Gazette

At the Court at Buckingham Palace, the 19th day of December, 1958,

Present

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section six of the International Organisations (Immunities and Privileges) Act, 1950 (hereinafter referred to as the Act), and an Address has been presented to Her Majesty by each House of Parliament praying that an Order be made in the terms of the said draft:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by sections one and six of the Act or otherwise

1 Statutory Instruments, No. 2191, 1958.
in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. The International Sugar Council (hereinafter referred to as the Council) is an organisation of which Her Majesty's Government in the United Kingdom and the governments of foreign sovereign Powers are members.

2. The Council shall have the legal capacities of a body corporate.

3. The Council 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.

4. All employees of the Council, except citizens of the United Kingdom and Colonies, shall enjoy exemption from income tax in respect of emoluments received by them as officers or servants of the Council.

5. The International Organisations (Immunities and Privileges of the International Sugar Council) Order, 1954,1 is hereby revoked.

6. This Order may be cited as the International Sugar Council (Immunities and Privileges) Order, 1958. It shall come into force on the date on which the International Sugar Agreement of 1958 enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette.

And the Right Honourable Selwyn Lloyd, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. AGNEW

(s) INTERNATIONAL WHEAT COUNCIL (IMMUNITIES AND PRIVILEGES) ORDER, 1959

Laid before Parliament in draft

Made 15th June, 1959

Coming into operation on a date to be notified in the London Gazette

At the Court at Buckingham Palace, the 15th day of June, 1959

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section six of the International Organisations (Immunities and Privileges) Act, 1950 2 (hereinafter referred to as the Act), and an Address has been presented to Her Majesty by each House of Parliament praying that an Order be made in the terms of the said draft:

Now, therefore, Her Majesty, by virtue and in exercise of the power in this behalf conferred on Her by sections one and six of the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

2 Statutory Instruments, No. 1040, 1959.
3 14 Geo. 6. c. 14.
1. The International Wheat Council (hereinafter referred to as the Council) is an organisation of which Her Majesty's Government in the United Kingdom and the governments of foreign sovereign Powers are members.

2. The Council shall have the legal capacities of a body corporate.

3. This Order may be cited as the International Wheat Council (Immunities and Privileges) Order, 1959. It shall come into force on the date on which the International Wheat Agreement of 1959 enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette.

W. G. AGNEW

1 INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANISATION (IMMUNITIES AND PRIVILEGES) ORDER, 1959

Laid before Parliament in draft

Made . . . . 28th July, 1959

Coming into operation on a date to be notified in the London Gazette

ARRANGEMENT OF ORDER

Part I. The Organisation.
Part II. Representatives.
Part III. Officers.
Part IV. Experts.
Part V. General.

At the Court of Saint James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Alexandra of Kent
Lord President Mr. Brooke
Earl of Selkirk Mr. Aubrey Jones

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required.

And Whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke

1 Statutory Instruments, No. 1296, 1959.
of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal
Highness The Princess Alexandra of Kent while absent from the United
Kingdom:

And Whereas a draft of this Order has been laid before Parliament in
accordance with section six of the International Organisations (Immunities
and Privileges) Act, 1950 ¹ (hereinafter referred to as the Act), and an
address has been presented by each House of Parliament praying that an
Order may be made in the terms of the said draft:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and
Her Royal Highness The Princess Alexandra of Kent, being authorised
thereto by the said Letters Patent, and in pursuance of the powers conferred
by the Act or otherwise in Her Majesty vested, do hereby, by and with the
advice of Her Majesty’s Privy Council, on Her Majesty’s behalf order, and
it is hereby ordered, as follows: —

PART I. THE ORGANISATION

1. The Inter-governmental Maritime Consultative Organisation (herein-
after referred to as the Organisation) is an Organisation of which the United
Kingdom and foreign sovereign Powers are members.

2. The Organisation shall have the legal capacities 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 Organisation shall have 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.

4. The Organisation 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 Organisation 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 of Customs and
Excise may prescribe for the protection of the Revenue.

6. The Organisation shall have exemption from prohibitions and restric-
tions 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.

7. The Organisation shall have the right to avail itself, for telegraphic
communications sent by it and containing only matter intended for publi-
cation 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. REPRESENTATIVES

8. (i) Except in so far as in any particular case any privilege or im-
munity is waived by the Government of the member whom they represent,

¹ 14 Geo. 6. c. 14.
representatives of members of the Organisation on any of its organs at meetings convened by it shall enjoy:

(a) In respect of words spoken or written and all acts done by them in their official capacity, the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

(b) While exercising their functions and during their journeys 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 is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(ii) Where the incidence of any form of taxation depends upon residence, any period during which representatives of members of the Organisation on any of its organs at meetings convened by it are present in the United Kingdom for the exercise of their functions shall, for the purpose of determining their liability to taxation, be treated as not being a period of residence in the United Kingdom.

(iii) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the official staff of representatives of members of the Organisation other than alternates, advisers, technical experts and secretaries of delegations.

(iv) Neither the provisions of the preceding paragraphs of this Article nor those of Part IV of the Schedule to the Act shall operate so as to confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

PART III. OFFICERS

High Officers

9. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Secretary-General of the Organisation and the Secretary of the Maritime Safety Committee shall be accorded the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, and exemption from income tax in respect of emoluments received by them as officers of the Organisation; provided that, so long as the Headquarters of the Organisation are located in the territory of the United Kingdom or Colonies, the provisions of this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies.

Other Officers

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officers of the Organisation with the exception of those who are recruited locally and assigned to hourly rates 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;
(b) Exemption from income tax in respect of emoluments received by them as officers of the Organisation.

PART IV. EXPERTS

11. (i) Except in so far as in any particular case any privilege or immunity is waived by the Organisation, experts (other than officers of the Organisation) who are members of any committee of the Organisation or who are employed on missions on behalf of the Organisation shall, so far as is necessary for the effective exercise of their functions, enjoy:

(a) In respect of words spoken or written and all acts done by them in their official capacity, the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

(b) While exercising their functions and during their journeys in connexion with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents relating to the work on which they are engaged for the Organisation as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(ii) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the official staff of experts to whom the provisions of paragraph (i) of this Article apply.

PART V. GENERAL

Interpretation

12. The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

Revocation


Citation and Entry into Force

14. This Order may be cited as the Inter-governmental Maritime Consultative Organisation (Immunities and Privileges) Order, 1959. It shall come into operation on the date on which the Convention on the Privileges and Immunities of the Specialised Agencies enters into force for the United Kingdom in respect of the Organisation. This date shall be notified in the London Gazette.

W. G. Agnew

(u) Bretton Woods Agreements Act, 1945

Chapter 19

An Act to enable effect to be given to certain international agreements for the establishment and operation of an International Monetary Fund and an International Bank for Reconstruction and Development, and for purposes connected with the matters aforesaid. [20th December 1945.]

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2 9 and 10 Geo. 6. c. 19.
Whereas, at the United Nations Monetary and Financial Conference held at Bretton Woods in New Hampshire in the United States of America in July, nineteen hundred and forty-four, Articles of the following agreements were drawn up, that is to say —

(a) An agreement (hereafter in this Act referred to as "the Fund Agreement") for the establishment and operation of an international body to be called the International Monetary Fund (hereafter in this Act referred to as "the Fund"); and

(b) An agreement (hereafter in this Act referred to as "the Bank Agreement") for the establishment and operation of an international body to be called the International Bank for Reconstruction and Development (hereafter in this Act referred to as "the Bank").

Other matters

3. (1) His Majesty may by Order in Council make such provision as He may consider reasonably necessary for carrying into effect any of the provisions of the Fund Agreement and the Bank Agreement relating to the status, immunities and privileges of the Fund and the Bank and their respective governors, executive directors, alternates, officers and employees, or any of the provisions of the Fund Agreement as to the unenforceability of exchange contracts.

(2) Orders in Council made under this section may be so made as to extend to any part of His Majesty's dominions (other than Dominions within the meaning of the Statute of Westminster, 1931, territories administered by the Government of any such Dominion and British India) and, to the extent that His Majesty has jurisdiction therein, to any other territory in which His Majesty has from time to time jurisdiction (other than territories in respect of which a mandate from the League of Nations is being exercised by, or which are being administered by, the Government of such a Dominion as aforesaid and territories in India):

Provided that if, whether before or after the passing of this Act, effect is given by or under the law of any part of His Majesty's dominions or other territory to the provisions of the said agreements specified in subsection (1) of this section, no Order in Council made under this section shall extend to that part of His Majesty's dominions or other territory as respects any period as respects which effect is given as aforesaid to the said provisions.

(3) Any Order in Council under this section may be varied or revoked by a subsequent Order in Council.

7 & 8 Geo. 6. c. 44

(4) Nothing in this Act shall be construed as limiting the power of His Majesty under section one of the Diplomatic Privileges (Extension) Act, 1944, to declare the Fund or the Bank to be such an organisation as is mentioned in subsection (1) of that section or any power of His Majesty under that Act or any other Act to confer on the Fund or the Bank, or their officers or servants or on any other persons connected with them, any immunities or privileges not specified in the provisions of the said agreements mentioned in subsection (1) of this section.

Short title

4. This Act may be cited as the Bretton Woods Agreements Act, 1945.
BRETTON WOODS AGREEMENTS ORDER IN COUNCIL, 1946

At the Court at Buckingham Palace, the 10th day of January, 1946.

Present,

The King's Most Excellent Majesty in Council.

His Majesty, in exercise of the powers conferred on Him by Section 3 of the Bretton Woods Agreements Act, 1945, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered, as follows:

1. This Order may be cited as “The Bretton Woods Agreements Order in Council 1946.”

2. (1) In this Order, the expressions “the Fund Agreement” and “the Bank Agreement” mean, respectively, the Agreement for the establishment and operation of an international body to be called the International Monetary Fund and the Agreement for the establishment and operation of an international body to be called the International Bank for Reconstruction and Development, which were signed on behalf of His Majesty's Government in the United Kingdom on the twenty-seventh day of December, nineteen hundred and forty-five, and the expressions “the Fund” and “the Bank” mean the bodies established under these Agreements respectively.

(2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) To enable the Fund and the Bank to fulfil the functions with which they are respectively entrusted, the provisions of the Fund Agreement and the Bank Agreement set out in the Schedule to this Order shall have the force of law:

Provided that nothing in Section 9 of Article IX of the Fund Agreement or in Section 9 of Article VII of the Bank Agreement shall be construed as —

(a) Entitling the Fund or the Bank to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported; or

(b) Conferring on the Fund or the Bank any exemption from duties or taxes which form part of the price of goods sold; or

(c) Conferring on the Fund or the Bank any exemption from taxes or duties which are in fact no more than charges for services rendered.

4. This Order shall extend to all parts of His Majesty's dominions (other than Dominions within the meaning of the Statute of Westminster, 1931, territories administered by the Government of any such Dominion and British India) and, to the extent that His Majesty has jurisdiction therein, to all other territories in which His Majesty has from time to time jurisdiction (other than territories in respect of which a mandate from the League of Nations is being exercised by, or which are being administered by, the Government of such a Dominion as aforesaid and territories in India):

1 Statutory Rules and Orders, No. 36, 1946.
2 9 and 10 Geo. 6. c. 19.
3 52 and 53 Vict. c. 63.
4 22 and 23 Geo. 5. c. 4.
Provided that, if, whether before or after the passing of the Bretton Woods Agreements Act, 1945, or the making of this Order, effect is given by or under the law of any part of His Majesty's dominions or other territory to any provisions of the said Agreements set out in the Schedule to this Order, this Order, so far as it gives effect to that provision, shall not extend to that part of His Majesty's dominions or other territory as respects any period as respects which effect is given as aforesaid to that provision.

E. C. E. Leadbitter

SCHEDULE

Provisions of Agreements which are to have Force of Law

Part I. Fund Agreement

Article VIII. Section 2 (b)

Exchange contracts which involve the currency of any member and which are contrary to the exchange control regulations of that member maintained or imposed consistently with this Agreement shall be unenforceable in the territories of any member...

Article IX

Status, Immunities and Privileges

Section 2. Status of the Fund

The Fund shall possess full juridical personality, and, in particular, the capacity:

(i) To contract;
(ii) To acquire and dispose of immovable and movable property;
(iii) To institute legal proceedings.

Section 3. Immunity from judicial process

The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

Section 4. Immunity from other action

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of archives

The archives of the Fund shall be inviolable.

Section 6. Freedom of assets from restrictions

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.
Section 8. Immunities and privileges of officers and employees

All governors, executive directors, alternates, officers and employees of the Fund.

(i) Shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity.

Section 9. Immunities from taxation

(a) The Fund, its assets, property, income and its operations and transactions authorised by this Agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held

(i) Which discriminates against such obligation or security solely because of its origin; or

(ii) If the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

PART II. BANK AGREEMENT

Article VII

Status, Immunities and Privileges

Section 2. Status of the Bank

The Bank shall possess full juridical personality, and, in particular, the capacity:

(i) To contract;

(ii) To acquire and dispose of immovable and movable property;

(iii) To institute legal proceedings.

Section 3. Position of the Bank with regard to judicial process

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4. Immunity of assets from seizure

Property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.
Section 5. Immunity of archives

The archives of the Bank shall be inviolable.

Section 6. Freedom of assets from restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 8. Immunities and privileges of officers and employees

All governors, executive directors, alternates, officers and employees of the Bank

(i) Shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity.

Section 9. Immunities from taxation

(a) The Bank, its assets, property, income and its operations and transactions authorised by this Agreement, shall be immune from all taxation and from all customs duties. The Bank shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held —

(i) Which discriminates against such obligation or security solely because it is issued by the Bank; or

(ii) If the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held —

(i) Which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

(ii) If the sole jurisdictional bases for such taxation is the location of any office or place of business maintained by the Bank.

(u) Finance Act, 1951

Exemption from stamp duties of transfers of International Bank stock

42. (1) Transfers of any stock of the International Bank for Reconstruction and Development shall be exempt from all stamp duties.

(2) This section shall have effect as from the twenty-sixth day of April, nineteen hundred and fifty-one.

1 14 and 15 Geo. 6. c. 43.
Salaries of employees of International Wheat Council

25. (1) So long as the seat of the International Wheat Council established by the International Wheat Agreement signed at Washington on the twenty-third day of March, nineteen hundred and forty-nine, is in the United Kingdom, an employee of the said Council who is not a citizen of the United Kingdom and colonies shall enjoy exemption from income tax in respect of any emoluments received by him as an officer or servant of the said Council.

(2) This section shall be deemed to have applied to emoluments for any period since the thirty-first day of July, nineteen hundred and fifty-three (that is to say the date on which the Government of the United Kingdom ceased to be a member of the said Council).

(3) This section shall be without prejudice to the powers conferred by the International Organisations (Immunities and Privileges) Act, 1950 (which relates to organisations of which the Government of the United Kingdom is a member).

Arbitration Tribunal, Supreme Restitution Court and Arbitral Commission (immunities and privileges, etc.)

1. (1) A person shall not be liable to any legal proceedings in respect of acts performed in the exercise of his official duties —

(a) As member of the Arbitration Tribunal, the Supreme Restitution Court or the Arbitral Commission;

(b) As state counsel appointed to a division of the Supreme Restitution Court under the charter of that court;

(c) As court clerk of a division of the Supreme Restitution Court; or

(d) As agent, counsel or other representative of a party to proceedings before the Arbitration Tribunal or Arbitral Commission;

and a party to proceedings before the Arbitral Commission who appears in person shall not be liable to any legal proceedings in respect of acts performed in the presentation of his case.

14 Geo. 6. c. 14

(2) The International Organisations (Immunities and Privileges) Act, 1950 (which enables diplomatic privileges to be conferred by Order in Council in order to give effect to international agreements), shall have effect in relation to members of the Arbitration Tribunal or Arbitral Commission, other than citizens of the United Kingdom and colonies, as it has effect in relation to officers of an organisation to which section one of that Act applies holding offices specified under sub-paragraph (ii) of paragraph (b) of subsection (2) of that section.

19 & 20 Vict. c. 113. 1 & 2 Geo. 5. c. 6

(3) For the purposes of the Foreign Tribunals Evidence Act, 1856 (which relates to the taking of evidence in the United Kingdom for the purpose of

1 2 and 3 Eliz. 2. c. 44.
2 4 Eliz. 2. c. 2.
proceedings before a foreign tribunal), the Arbitral Commission, wherever sitting, shall be treated as a tribunal in and of the Federal Republic of Germany, and subsection (4) of section one of the Perjury Act, 1911, and any corresponding enactment for the time being in force in Northern Ireland, shall have effect accordingly.

(z) **European Coal and Steel Community Act, 1955**

**Chapter 4**

An Act to confer certain immunities and privileges on the representatives in the United Kingdom of the High Authority of the European Coal and Steel Community and their staffs, and the family of the chief representative of that Authority. [27th July, 1955]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Immunities and privileges**

1. (1) Subject to the provisions of this section, the chief representative in the United Kingdom of the High Authority of the European Coal and Steel Community (in this section referred to as "the Chief Representative"), and his family, shall be entitled—

(a) To the like immunity from suit and legal process;

(b) To the like inviolability of official residence, official premises and official archives; and

(c) To the like exemption or relief from rates on official premises, and from taxes,

as are accorded respectively to the envoy of a foreign sovereign power accredited to Her Majesty and to the family of such an envoy.

(2) Subject to the provisions of this section, members of the official staff of the Chief Representative, persons representing the said High Authority at meetings in the United Kingdom of the Council of Association between Her Majesty's Government in the United Kingdom and the said High Authority, or of committees of that Council, and the alternates and members of the official staffs of such persons, shall be entitled—

(a) To the like immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of their official duties; and

(b) To the like exemption from income tax in respect of their official emoluments,

as are accorded to members of the official staff of such an envoy as aforesaid; and members of the official staff of the Chief Representative who are recognised by Her Majesty's Government as holding a rank equivalent to that of Attaché on the staff of such an envoy, or any higher rank, shall in addition be entitled to such other exemption or relief from taxes as is accorded to members of the official staff of such an envoy holding equivalent rank.

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1 4 Eliz. 2. c. 4.
(3) The foregoing provisions of this section, except so much of subsection (2) as provides for immunity from suit and legal process, shall not apply to any person being a citizen of the United Kingdom and Colonies; and nothing in the said subsection (2) shall be construed as conferring any immunity or privilege upon members of the family of a person to whom that subsection applies.

(4) The Chief Representative may waive any immunity, privilege, exemption or relief conferred by this section on himself or on any other person.

(5) If in any proceedings any question arises whether or not any person is entitled to any immunity, privilege, exemption or relief under this section, a certificate issued by or under the authority of the Secretary of State stating any fact relevant to that question shall be conclusive evidence of that fact.

Short title and commencement

2. This Act may be cited as the European Coal and Steel Community Act, 1955, and shall come into operation on such date as Her Majesty may by Order in Council appoint.

(aa) European Coal and Steel Community Act
    (Commencement) Order, 1955

Made 28th October, 1955
Coming into Operation 29th October, 1955

At the Court at Buckingham Palace, the 28th day of October, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is provided in Section 2 of the European Coal and Steel Community Act, 1955, that the Act shall come into operation on such date as Her Majesty may by Order in Council appoint:

Now, therefore, Her Majesty, by virtue and in exercise of the power in that behalf vested in Her Majesty by the said provision, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. The European Coal and Steel Community Act, 1955, shall come into operation on the 29th day of October, 1955.

2. This Order may be cited as the European Coal and Steel Community Act (Commencement) Order, 1955, and shall come into operation on the 29th day of October, 1955.

W. G. Agnew

1 Statutory Instruments, No. 1640 (C. 10), 1955.
2 4 Eliz. 2. c. 4.
An Act to enable effect to be given to an international agreement for the establishment and operation of an International Finance Corporation, and for purposes connected therewith. [27th July, 1955]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The Agreement and the Corporation

1. In this Act "the Agreement" means any agreement which may be signed and accepted on behalf of Her Majesty's Government in the United Kingdom in pursuance of Articles approved on the eleventh day of April, nineteen hundred and fifty-five by the executive directors of the International Bank for Reconstruction and Development and providing for the establishment and operation of an international body to be called the International Finance Corporation (copies of which Articles, and of an explanatory memorandum approved as aforesaid, were laid before Parliament by command of Her Majesty on the sixteenth day of June, nineteen hundred and fifty-five); and "the Corporation" means the International Finance Corporation established by the Agreement.

Financial provisions

2. (1) There shall be paid out of the Consolidated Fund of the United Kingdom all sums required for the purpose of making payments on behalf of Her Majesty's said Government under paragraph (a) of section 3 of Article II of the Agreement (which provides for the subscription of shares of stock of the Corporation by the original members).

(2) The Treasury may, for the purpose of providing any sums to be paid out of the Consolidated Fund under the foregoing subsection, or any part of such sums, or of repaying to that Fund all or any part of any sums so paid, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939; and any securities created and issued for that purpose shall be deemed for all purposes to have been created and issued under that Act.

(3) Any sums received by Her Majesty's said Government from the Corporation in pursuance of the Agreement shall be paid into the Exchequer of the United Kingdom; and the sums so paid into the Exchequer shall be issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct and shall be applied by the Treasury as follows, that is to say,—

(a) So much of those sums as represents capital shall be applied in redeeming or paying off debt of such description as the Treasury thinks fit;
(b) So much of those sums as represents dividends shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Other matters. 14 Geo. 6. c. 14

3. (1) Without prejudice to the powers conferred by section one of the International Organisations (Immunities and Privileges) Act, 1950, Her Majesty may by Order in Council make such provision as She may consider reasonably necessary for carrying into effect any of the provisions of the Agreement relating to the status, immunities and privileges of the Corporation and its governors, directors, alternates, officers and employees.

(2) An Order in Council under this section may be made so as to extend to any part of Her Majesty's dominions (other than Canada, Australia, New Zealand, the Union of South Africa, Pakistan and Ceylon, and any territory administered by the Government of any of those countries) and, to the extent that Her Majesty has jurisdiction therein, to any other territory for whose foreign relations Her Government in the United Kingdom is responsible:

Provided that if, whether before or after the passing of this Act, effect is given by or under the law of any such part of Her Majesty's dominions or other territory to the said provisions of the Agreement, no Order in Council made under this section shall extend to that part of Her Majesty's dominions or other territory in respect of any period for which effect is so given to the said provisions.

(3) Any Order in Council under this section may be varied or revoked by a subsequent Order in Council.

(4) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft thereof has been laid before Parliament and approved by Resolution of each House of Parliament.

Short title

4. This Act may be cited as the International Finance Corporation Act, 1955.

(cc) INTERNATIONAL FINANCE CORPORATION ORDER, 1955

Laid before Parliament in draft
Made 22nd December, 1955
Coming into Operation on a date to be notified in the London Gazette

At the Court at Buckingham Palace, the 22nd day of December, 1955

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section three of the International Finance Corporation Act, 1955, and of all other powers

2 4 Eliz. 2. c. 5.
enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: —

1. (1) This Order may be cited as the International Finance Corporation Order, 1955.

   (2) This Order shall come into operation on the date on which Her Majesty's Government in the United Kingdom becomes a member of the Corporation, which date shall be notified in the London Gazette.

2. (1) In this Order, "the Agreement" means the Agreement for the establishment and operation of an international body to be called the International Finance Corporation signed on behalf of Her Majesty's Government in the United Kingdom on the twenty-fifth day of October, 1955, in pursuance of the Articles referred to in section one of the said Act; and "the Corporation" means the body established under the Agreement.

   (2) The Interpretation Act, 1889, ¹ shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The provisions of the Agreement set out in the Schedule to this Order shall have the force of law:

   Provided that nothing in Section 9 of Article VI of the Agreement shall be construed as —

   (a) Entitling the Corporation to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported; or

   (b) Conferring on the Corporation any exemption from duties or taxes which form part of the price of goods sold; or

   (c) Conferring on the Corporation any exemption from duties or taxes which are in fact no more than charges for services rendered.

4. This Order shall extend to all parts of Her Majesty's dominions (other than Canada, Australia, New Zealand, the Union of South Africa, Pakistan and Ceylon, and any territory administered by the Government of any of those countries) and, to the extent that Her Majesty has jurisdiction therein, to all other territories for whose foreign relations Her Majesty's Government in the United Kingdom is responsible:

   Provided that if, whether before or after the passing of the International Finance Corporation Act, 1955, and whether before or after the coming into force of this Order, effect is given by or under the law of any such part of Her Majesty's dominions or other territory to any provision of the Agreement set out in the Schedule to this Order, this Order, so far as it gives effect to that provision, shall not extend to that part of Her Majesty's dominions or other territory in respect of any period for which effect is so given to that provision.

W. G. AGNEW

¹ 52 and 53 Vict. c. 63.
SCHEDULE
Provisions of the Agreement as to Status, Immunities and Privileges

ARTICLE III
Operations

Section 5. Applicability of certain foreign exchange restrictions
Funds received by or payable to the Corporation in respect of an investment of the Corporation made in any member's territories pursuant to Section 1 of this Article shall not be free, solely by reason of any provision of this Agreement, from generally applicable foreign exchange restrictions, regulations and controls in force in the territories of that member.

ARTICLE VI
Status, Immunities and Privileges

Section 2. Status of the Corporation
The Corporation shall possess full juridical personality and, in particular, the capacity:
(i) To contract;
(ii) To acquire and dispose of immovable and movable property;
(iii) To institute legal proceedings.

Section 3. Position of the Corporation with regard to judicial process
Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.

Section 4. Immunity of assets from seizure
Property and assets of the Corporation, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of archives
The archives of the Corporation shall be inviolable.

Section 6. Freedom of assets from restrictions
To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of Article III, Section 5, and the other provisions of this Agreement, all property and assets of the Corporation
shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 8. Immunities and privileges of officers and employees

All Governors, Directors, Alternates, officers and employees of the Corporation:

(i) Shall be immune from legal process with respect to acts performed by them in their official capacity.

Section 9. Immunities from taxation

(a) The Corporation, its assets, property, income and its operations and transactions authorized by this Agreement shall be immune from all taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held:

(i) Which discriminates against such obligation or security solely because it is issued by the Corporation; or

(ii) If the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held:

(i) Which discriminates against such obligation or security solely because it is guaranteed by the Corporation; or

(ii) If the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

Section 11. Waiver

The Corporation in its discretion may waive any of the privileges and immunities conferred under this Article to such extent and upon such conditions as it may determine.

United States of America

Note. The Executive Order No. 9698, 11 Fed. Reg. 1809 (1946), as amended (see the previous volume of this Series, ST/LEG/SER.B/10, p. 136), designated the following organizations as public international organizations entitled to enjoy the privileges, exemptions and immunities conferred by the International Organizations Immunities Act of 29 November 1945:


1 See also the previous volume of this Series (ST/LEG/SER.B/10), under United States.

2 For the text of this Act see ibid., p. 128.
The following executive orders designated, as an international organization entitled to the benefits of the International Organizations Immunities Act, the international organizations indicated. The texts of the orders are similar to Executive Order No. 9698, supra.


**Venezuela**

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Venezuela.

**Yugoslavia**

Note: See the previous volume of this Series (ST/LEG/SER.B/10), under Yugoslavia.

¹ The designation of the Pan American Union made by Executive Order No. 9698 (See above) is superseded by Executive Order No. 10533.
SECOND PART
TREATY PROVISIONS

DEUXIÈME PARTIE
DISPOSITIONS DE TRAITÉS
A. Treaties concerning the Intergovernmental Organizations related to the United Nations and the International Atomic Energy Agency

A. Traité concernant les organisations intergouvernementales reliées à l'Organisation des Nations Unies ainsi que l'Agence internationale de l'énergie atomique

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES. APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

Whereas the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

Consequently, by resolution 179(II) adopted on 21 November 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

Article I

DEFINITIONS AND SCOPE

Section 1

In this Convention:

(i) The words “standard clauses” refer to the provisions of articles II to IX.

(ii) The words “specialized agencies” mean:

(a) The International Labour Organisation;

(b) The Interim Commission for the International Trade Organization (see the previous volume of this Series, ST/LEG/SER. B/10, p. 196) is applied to the Interim Commission for the International Trade Organization by decision of the Swiss Federal Council on 20 May 1948 (Information received from the Executive Secretary of the Interim Commission for International Trade Organization and of the Contracting Parties to the General Agreement on Tariffs and Trade).

1 The Interim Arrangement on Privileges and Immunities of the United Nations concluded between the Secretary-General of the United Nations and the Swiss Federal Council (see the previous volume of this Series, ST/LEG/SER. B/10, p. 196) is applied to the Interim Commission for the International Trade Organization by decision of the Swiss Federal Council on 20 May 1948 (Information received from the Executive Secretary of the Interim Commission for International Trade Organization and of the Contracting Parties to the General Agreement on Tariffs and Trade).


3 Came into force on 2 December 1948, in accordance with section 44. For accessions, subsequent notifications, and declarations, see infra, appendices (a) and (b).

4 United Nations, document A/64, 1 July 1946.

(b) The Food and Agriculture Organization of the United Nations;
(c) The United Nations Educational, Scientific and Cultural Organization;
(d) The International Civil Aviation Organization;
(e) The International Monetary Fund;
(f) The International Bank for Reconstruction and Development;
(g) The World Health Organization;
(h) The Universal Postal Union;
(i) The International Telecommunication Union; and
(j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.

(iii) The word “Convention” means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.

(iv) For the purposes of article III, the words “property and assets” shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.

(v) For the purposes of articles V and VII, the expression “representatives of members” shall be deemed to include all representatives; alternates, advisers, technical experts and secretaries of delegations.

(vi) In sections 13, 14, 15 and 25, the expression “meetings convened by a specialized agency” means meetings: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies.

(vii) The term “executive head” means the principal executive official of the specialized agency in question, whether designated “Director-General” or otherwise.

Section 2

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connexion with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

Article II

JURIDICAL PERSONALITY

Section 3

The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.
Article III

Property, funds and assets

Section 4

The specialized agencies, their 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 they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, 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 6

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

Section 7

Without being restricted by financial controls, regulations or moratoria of any kind:

(a) The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.

Section 8

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

Section 9

The specialized agencies, their assets, income and other property shall be:

(a) Exempt from all direct taxes; it is understood, however, that the specialized agencies 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 specialized agencies for their 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 to with the Government of that country;

(c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.
Section 10

While the specialized agencies 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 specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article IV

Facilities in respect of communications

Section 11

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's 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.

Section 12

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

Article V

Representatives of members

Section 13

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys 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 official capacity, 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, aliens' registration or national service obligations in the State which 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 members of comparable rank of diplomatic missions.

Section 14

In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete independence 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 engaged in the discharge of such duties.

Section 15

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence.

Section 16

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 connexion with the specialized agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 17

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

Article VI

Officials

Section 18

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

Section 19

Officials of the specialized agencies 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) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;

(c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
(d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;

(e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(f) 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 20

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to 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 State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 21

In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 22

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

Section 23

Each specialized agency shall co-operate at all times with the appropriate authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this article.

Article VII

Abuses of Privilege

Section 24

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to
ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

Section 25

1. Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

2. (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

   (II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

Article VIII

LAISSEZ-PASSER

Section 26

Officials of the specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue laissez-passer may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded.¹

¹ The officials of the Specialized Agencies have the right to use the laissez-passer of the United Nations in accordance with the agreements between the United Nations and the Specialized Agencies. These agreements are to be found in the United Nations Treaty Series, vol. 68, p. 213 (ILO); vol. 21, p. 347 (ICAO); vol. 21, p. 338 (FAO); vol. 21, p. 341 (UNESCO); vol. 16, p. 346 (World Bank); vol. 16, p. 326 (International Monetary Fund); vol. 19, p. 194 (WHO); vol. 123, p. 246 (WMO); vol. 30, p. 316 (ITU); vol. 324, p. 273 (IMCO); vol. 43, p. 344 (UPU); vol. 263, p. 312 (IFC governed by World Bank Agreement). For IAEA, see the Agreement published in the United Nations Treaty Series, vol. 281, p. 370.
Section 27  
States parties to this Convention shall recognize and accept the United Nations laissez-passer issued to officials of the specialized agencies as valid travel documents.

Section 28  
Applications for visas, where required, from officials of specialized agencies holding United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 29  
Similar facilities to those specified in section 28 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 a specialized agency.

Section 30  
The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations laissez-passer on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

Article IX  
SETTLEMENT OF DISPUTES  

Section 31  
Each specialized agency shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;

(b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

Section 32  
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 one of the specialized agencies 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 and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.
Article X
ANNEXES AND APPLICATION TO INDIVIDUAL SPECIALIZED AGENCIES

Section 33
In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

Section 34
The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

Section 35
Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

Section 36
The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

Section 37
The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

Section 38
If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

Section 39
The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party
thereto and any specialized agency of supplemental agreements adjusting
the provisions of this Convention or extending or curtailing the privileges
and immunities thereby granted.

Section 40

It is understood that the standard clauses, as modified by the final text of
an annex sent by a specialized agency to the Secretary-General of the United
Nations under section 36 (or any revised annex sent under section 38), will
be consistent with the provisions of the constitutional instrument then in
force of the agency in question, and that if any amendment to that instrument
is necessary for the purpose of making the constitutional instrument so
consistent, such amendment will have been brought into force in accordance
with the constitutional procedure of that agency before the final (or revised)
annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate
from, any provisions of the constitutional instrument of any specialized
agency or any rights or obligations which the agency may otherwise have,
acquire, or assume.

Article XI

Final provisions

Section 41

Accession to this Convention by a Member of the United Nations and
(subject to section 42) by any State member of a specialized agency shall be
effected by deposit with the Secretary-General of the United Nations of an
instrument of accession which shall take effect on the date of its deposit.

Section 42

Each specialized agency concerned shall communicate the text of this
Convention together with the relevant annexes to those of its members which
are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to
this Convention in respect thereof either with the Secretary-General of the
United Nations or with the executive head of the specialized agency.

Section 43

Each State party to this Convention shall indicate in its instrument of
accession the specialized agency or agencies in respect of which it undertakes
to apply the provisions of this Convention. Each State party to this Conven-
tion may by a subsequent written notification to the Secretary-General of
the United Nations undertake to apply the provisions of this Convention to
one or more further specialized agencies. This notification shall take effect
on the date of its receipt by the Secretary-General.

Section 44

This Convention shall enter into force for each State party to this Con-
vention in respect of a specialized agency when it has become applicable to
that agency in accordance with section 37 and the State party has under-
taken to apply the provisions of the Convention to that agency in accordance
with section 43.
Section 45

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

Section 46

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

Section 47

1. Subject to the provisions of paragraphs 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

2. Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

3. Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4. The Secretary-General of the United Nations shall inform all member States parties to this Convention of any notification transmitted to him under the provisions of this section.

Section 48

At the request of one-third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

Section 49

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.
ANNEXES

Annex I

INTERNATIONAL LABOUR ORGANISATION

In their application to the International Labour Organisation the standard clauses shall operate subject to the following provisions:

1. Article V (other than paragraph (c) of section 13) and section 25, paragraphs 1 and 2 (a), of Article VII shall extend to the employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes; except that any waiver of the immunity of any such person member under section 16 shall be by the Governing Body.

2. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the International Labour Office and any Assistant Director-General of the International Labour Office.

3. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

The draft annexes recommended by the General Assembly or the Economic and Social Council, referred to in section 35, are subject to approval by the respective specialized agencies in accordance with their constitutional procedures.

In pursuance of section 36 of the convention, each of these annexes, in the form approved by the specialized agency concerned, transmitted to the Secretary-General of the United Nations, replaces the recommended draft and becomes the final text of the annex relating to this agency. Accordingly, the annexes reproduced herein are not the draft annexes but their final texts as approved by the specialized agencies and transmitted to the Secretary-General.

Following is the list of specialized agencies which, in accordance with section 37, have transmitted to the Secretary-General of the United Nations the final texts of their relevant annexes and have informed him that they accept the standard clauses, as modified by these annexes and undertake to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and any provisions of the annexes placing obligations on the agencies:

<table>
<thead>
<tr>
<th>Specialized agencies</th>
<th>Date of receipt of final text of annexes</th>
</tr>
</thead>
<tbody>
<tr>
<td>World Health Organization</td>
<td>2 August 1948</td>
</tr>
<tr>
<td>International Civil Aviation Organization</td>
<td>11 August 1948</td>
</tr>
<tr>
<td>International Labour Organisation</td>
<td>14 September 1948</td>
</tr>
<tr>
<td>Food and Agriculture Organization of the United Nations</td>
<td>13 December 1948</td>
</tr>
<tr>
<td>United Nations Educational, Scientific and Cultural Organization</td>
<td>7 February 1949</td>
</tr>
<tr>
<td>International Refugee Organization</td>
<td>4 April 1949</td>
</tr>
<tr>
<td>International Bank for Reconstruction and Development</td>
<td>29 April 1949</td>
</tr>
<tr>
<td>International Monetary Fund</td>
<td>9 May 1949</td>
</tr>
<tr>
<td>International Telecommunication Union</td>
<td>11 July 1949</td>
</tr>
<tr>
<td>World Meteorological Organization</td>
<td>16 January 1951</td>
</tr>
<tr>
<td>Inter-governmental Maritime Consultative Organization</td>
<td>12 February 1959</td>
</tr>
<tr>
<td>International Finance Corporation</td>
<td>22 April 1959</td>
</tr>
</tbody>
</table>
In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organisation;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organisation.

(ii) In connection with (d) of 3 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts of the Organisation in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Organisation shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organisation.

ANNEX ii (REVISED) 1

FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

In their application to the Food and Agriculture Organization of the United Nations (hereinafter called "the Organization") the standard clauses shall operate subject to the following provisions:

1. Article V and section 25, paragraphs 1 and 2 (I) of article VII shall extend to the Chairman of the Council of the Organization and to the representatives of Associate Members, except that any waiver of the immunity of the Chairman under section 16 shall be by the Council of the Organization.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for the Organization;

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1 Transmitted by the Director-General of the FAO and received by the Secretary-General on 26 May 1960.

2 This revised text of annex II is identical with the initial text (United Nations, Treaty Series, vol. 33, p. 262), except that, in paragraph 1, the words "and to the representatives of Associate Members" have been added, and, in paragraph 2 (i) (d), the following words have also been added: "and, for the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags."
(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization and, for the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags.

(ii) In connection with (d) of 2 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any experts in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

3. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the Deputy Director-General of the Organization.

ANNEX III

INTERNATIONAL CIVIL AVIATION ORGANIZATION

The standard clauses shall operate in respect to the International Civil Aviation Organization (hereinafter called "the Organization") subject to the following provisions:

1. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the President of the Council of the Organization.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) Immunity from legal process of every kind in respect of words spoken or written or acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization.

(ii) In connexion with (d) of 2 above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and
the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

**Annex IV**

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION**

The standard clauses shall operate in respect to the United Nations Educational, Scientific and Cultural Organization (hereinafter called “the Organization”) subject to the following provisions:

1. Article V and section 25, paragraphs 1 and 2 (I) of article VII shall extend to the President of the Conference and members of the Executive Board of the Organization, their substitutes and advisers except that any waiver of the immunity of any such person of the Executive Board under section 16, shall be by the Executive Board.

2. The Deputy Director-General of the Organization, his spouse and minor children shall also enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law, which article VI, section 21, of the convention ensures to the executive head of each specialized agency.

3. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

   (a) Immunity from personal arrest or seizure of their personal baggage;

   (b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

   (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions.

(ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

**Annex V**

**INTERNATIONAL MONETARY FUND**

In its application to the International Monetary Fund (hereinafter called “the Fund”), the convention (including this annex) shall operate subject to the following provisions:
1. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Fund solely from this convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

2. The provisions of the convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Fund or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Fund or any of its members, Governors, Executive Directors, alternates, officers or employees by the Articles of Agreement of the Fund, or by any statute, law or regulation of any member of the Fund or any political subdivision of any such member, or otherwise.

ANNEX VI

INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT

In its application to the International Bank for Reconstruction and Development (hereinafter called the Bank), the convention (including this annex) shall operate subject to the following provisions:

1. The following shall be substituted for section 4:

“Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member of the Bank in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.”

2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Bank solely from this convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

3. The provisions of the convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Bank or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Bank or any of its members, Governors, Executive Directors, alternates, officers or employees by the Articles of Agreement of the Bank or by any statute, law or regulation of any member of the Bank or any political subdivision of any such member, or otherwise.
REVISED ANNEX VII
ADOPTED BY THE ELEVENTH WORLD HEALTH ASSEMBLY

ANNEX VII

THE WORLD HEALTH ORGANIZATION

In their application to the World Health Organization (hereinafter called "the Organization") the standard clauses shall operate subject to the following modifications:

1. Article V and Section 25, paragraphs 1 and 2 (I), of Article VII shall extend to persons designated to serve on the Executive Board of the Organization, their alternates and advisers, except that any waiver of the immunity of any such persons under Section 16 shall be by the Board.

2. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

   (a) Immunity from personal arrest or seizure of their personal baggage;
   (b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;
   (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;
   (d) Inviolability for all papers and documents;
   (e) For the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags.

   (ii) The privileges and immunities set forth in paragraphs (b) and (e) above shall be accorded to persons serving on Expert Advisory Panels of the Organization in the exercise of their functions as such.

   (iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the

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2 The text of this revised annex VII, transmitted by the World Health Organization to the Secretary-General of the United Nations in accordance with section 38 of the Convention, was received on 25 July 1958. Pursuant to section 47 (1) of the Convention, the revised annex VII became effective as between the World Health Organization and Ghana on 27 October 1958, the date on which the notification of acceptance by the Government of Ghana was received by the Secretary-General of the United Nations.
3 This is the third revised text of Annex VII. It is identical with the initial text (United Nations, Treaty Series, vol. 33, p. 300), except paragraph 2 (e) (ii), and paragraphs 3 and 4 which have been added. It is also identical with the first revised text (ibid., vol. 71, p. 318), except paragraph 4 which is new, and with the second revised text (ibid., vol. 275, p. 298), except in paragraph 4 the words "Assistant Director-General and Regional Director" have been added.
right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

3. Article V and Section 25, paragraphs 1 and 2 (I), of Article VII shall extend to the representatives of Associate Members participating in the work of the Organization in accordance with Articles 8 and 47 of the Constitution.

4. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General, Assistant Director-General and Regional Director of the Organization.

ANNEX VIII

UNIVERSAL POSTAL UNION

The standard clauses shall apply without modification.

FINAL TEXT OF ANNEX IX

INTERNATIONAL TELECOMMUNICATION UNION

The standard clauses shall apply without modification, except that the International Telecommunication Union shall not claim for itself the enjoyment of privileged treatment with regard to the “Facilities in respect of communications” provided in article IV, section 11.

ANNEX X

INTERNATIONAL REFUGEE ORGANIZATION

The standard clauses shall apply without modification.

FINAL TEXT OF ANNEX XI. ADOPTED BY THE FIRST CONGRESS OF THE WORLD METEOROLOGICAL ORGANIZATION HELD IN PARIS IN MARCH-APRIL 1951

WORLD METEOROLOGICAL ORGANIZATION

The standard clauses shall apply without modification.

Received by the Secretary-General of the United Nations on 29 December 1951.

2 At its fifth session, in September-October 1950, annex IX, reproduced above, was adopted by the Administrative Council of the International Telecommunication Union, which has also undertaken, in accordance with section 37 of the Convention on the Privileges and Immunities of the Specialized Agencies, to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 43 of this Convention. In accordance with section 36 of the Convention on the Privileges and Immunities of the Specialized Agencies, the text of this annex was transmitted by the Secretary-General of the International Telecommunication Union to the Secretary-General of the United Nations and was received on 16 January 1951.
ANNEX XII
INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

1. The privileges and immunities, exemptions and facilities referred to in Article VI, Section 21 of the standard clauses, shall be accorded to the Secretary-General of the Organization and to the Secretary of the Maritime Safety Committee, provided that the provisions of this paragraph shall not require the Member in whose territory the Organization has its Headquarters to apply Article VI, Section 21 of the standard clauses to any person who is its national.

2. (a) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including time spent on journeys in connexion with service on such committees or missions:

   (i) Immunity from personal arrest or seizure of their personal baggage;

   (ii) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for the Organization;

   (iii) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;

   (iv) Inviolability for all papers and documents relating to the work on which they are engaged for the Organization;

   (v) The right to use codes and to receive documents and correspondence by courier or in sealed dispatch bags for their communications with the Inter-Governmental Maritime Consultative Organization.

   In connexion with Section 2 (a) (iv) and (v) above the principle contained in the last sentence of Section 12 of the standard clauses shall be applicable.

   (b) Privileges and immunities are granted to such experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

ANNEX XIII
INTERNATIONAL FINANCE CORPORATION

In its application to the International Finance Corporation (hereinafter called "The Corporation") the Convention (including this annex) shall operate subject to the following provisions:

1. The following shall be substituted for Section 4:

   "Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Cor-
poration has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation."

2. Paragraph (b) of Section 7 of the standard clauses shall apply to the Corporation subject to Article III, Section 5 of the Articles of Agreement of the Corporation.

3. The Corporation in its discretion may waive any of the privileges and immunities conferred under Article VI of its Articles of Agreement to such extent and upon such conditions as it may determine.

4. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Corporation from this Convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

5. The provisions of the Convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Corporation or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Corporation or any of its members, Governors, Executive Directors, Alternates, officers and employees by the Articles of Agreement of the Corporation, or by any statute, law or regulation of any member of the Corporation or any political subdivision of any such member, or otherwise.

APPENDIX

1. Accessions or subsequent notifications

<table>
<thead>
<tr>
<th>State</th>
<th>Date of receipt of instrument of accession or of subsequent notification</th>
<th>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accession</td>
<td>21 July 1950</td>
<td>ILO, FAO, ICAO, UNESCO, WHO, FUND, BANK, UPU, IRO</td>
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<tr>
<td>Notification</td>
<td>28 March 1951</td>
<td>ITU</td>
</tr>
<tr>
<td>Notification</td>
<td>21 January 1955</td>
<td>WMO, WHO—Revised text of annex VII</td>
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<td>Notification</td>
<td>1 November 1957</td>
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<td>Notification</td>
<td>28 October 1958</td>
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<td>ILO, FAO, ICAO, WHO, FUND, BANK, ITU, UPU</td>
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<td>State</td>
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<td>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</td>
</tr>
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<td>-------------------------------------------------------------------------</td>
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<td>Notification</td>
<td>22 May 1951</td>
<td>WHO — Revised text of annex VII</td>
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<td>Notification</td>
<td>14 October 1957</td>
<td>WHO — Second revised text of annex VII</td>
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</table>

1 Applicable to Land Berlin (notification made on accession).
2 By a communication received on 10 October 1957, the Government of the Federal Republic of Germany declared that the Convention will also apply to the Saar Territory except that section 7 (b) of the Convention shall not take effect with regard to the Saar Territory until the expiration of the interim period defined in article 3 of the Treaty of 27 October 1956 between France and the Federal Republic of Germany.
<table>
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<tr>
<th>State</th>
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<th>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</th>
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1 The instrument of accession was deposited with the Director-General of the World Health Organization.
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<td>3 February 1958</td>
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</table>

1 By a note dated 1 March 1958, the Minister for 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 Syria with other countries will remain valid within the regional limits prescribed on their conclusion and in accordance with the principles of international law."
United Kingdom of
Great Britain and
Northern Ireland:

Accession . . . 16 August 1949 WHO, ICAO, ILO, FAO,
UNESCO, IRO
Notification . . 17 December 1954 UPU, WMO, ITU
Notification . . 22 September 1955 WHO—Revised text of annex VII
Notification . . 30 September 1957 WHO—Second revised text of
annex VII
Notification . . 4 November 1959 IMCO

Yugoslavia:
Accession . . . 23 November 1951 ILO, FAO, UNESCO, WHO,
UPU, ITU, FUND, BANK
Notification . . 5 March 1952 WMO
Notification . . 16 March 1959 WHO—Second revised text of
annex VII
Notification . . 14 April 1960 WHO—Third revised text of an-
nex VII

2. Declarations

Federal Republic of Germany

(on accession)

"The Government of the Federal Republic of Germany takes the liberty
of calling attention to the fact that the provisions of Section 11 of Article
IV of the Convention, to the effect that the Specialized Agencies shall
enjoy, in the territory of each State party to this Convention, for their
official communications, treatment not less favourable than that accorded
by the Government of such State to any other Government in the matter
of priorities, rates and other taxes, cannot be fully complied with by any
Government. Reference is made to the provisions of Article 37 and of
Annex 3 of the International Telecommunications Convention concluded
at Buenos Aires in 1952, as well as to the Resolutions Nos. 27 and 28
appended to that Convention."

NORWAY

(extension to ITU)

"I have further been instructed to inform you that the Norwegian
Government is of the opinion that it is impossible for any government to
comply fully with Section 11 of the said Convention, which requires that
the specialized agencies shall enjoy, in the territory of each state party
to the Convention, for their official communications, treatment no less
favourable than that accorded by the Government of such State to any other Government in the matter of priorities, rates and taxes on telecommunications as long as all governments have not agreed to grant to the agency in question the treatment specified in this Section."

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(on accession)

"I have to invite your attention to the fact that it is not possible for any Government fully to comply with the requirements of Section 11 of that Convention in so far as it requires the Specialized Agency to enjoy in the territory of a state party to the Convention treatment not less favourable than that accorded by the Government of that State to any other Government in the matter of priorities and rates on telecommunications, unless and until all other Governments collaborate in accordance this treatment to the Agency in question. It is understood that this matter is being discussed in the International Telecommunication Union."

(extension to UPU, WMO and ITU)

"With regard to the Universal Postal Union and the World Meteorological Organization, I have the honour to draw attention to the fact that no government can fully comply with Section 11 of this Convention which requires that the specialized agencies shall enjoy, in the territory of each party to the Convention, for their official communications, treatment not less favourable than that accorded by the Government of such a State to any other Government in the matter of priorities, rates and taxes on telecommunications so long as all the other governments have not decided to co-operate in granting this treatment to the agencies in question. This matter is under consideration by the United Nations and the International Telecommunication Union.

The final text of the annex to the Convention approved by the International Telecommunication Union and transmitted by the Union to the Secretary-General of the United Nations in accordance with Section 36 of the Convention contains a statement that the Union would not claim for itself the enjoyment of privileged treatment with regard to the facilities in respect of communications provided in Section 11 of the Convention."

(extension to IMCO)

"Her Majesty's Government observe that it would be impracticable for any Government fully to comply with Section 11 of the Convention which requires that the Specialized Agencies shall enjoy, in the territory of each State party to the Convention, for their official communications, treatment not less favourable than that accorded by the Government of such State to any other Government in the matter of priorities, rates and taxes on telecommunications, until such time as all the other Governments have decided to co-operate in granting this treatment to the agencies in question. This matter is under consideration by the United Nations and the International Telecommunication Union."

(extension to IMCO)
2. CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Article 39
The International Labour Organisation shall possess full juridical personality and in particular the capacity —
(a) To contract;
(b) To acquire and dispose of immovable and movable property;
(c) To institute legal proceedings.

Article 40
1. The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.
3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the Members.

3. MODUS VIVENDI DE 19213 RELATIF AU RÉGIME DES IMMUNITÉS DIPLOMATIQUES DU PERSONNEL DE LA SOCIÉTÉ DES NATIONS ET DU BUREAU INTERNATIONAL DU TRAVAIL4

Département politique fédéral
Division des affaires étrangères
A l’honorable sir Eric DRUMMOND,
Secrétaire général de la Société des Nations,
Genève.

Berne, le 19 juillet 1921

Monsieur le Secrétaire général,

Le Gouvernement fédéral suisse a eu une satisfaction particulière à constater qu’à la suite des conférences tenues, à Genève et à Berne, il y a

2 States members of the International Labour Organisation (up to 1 January 1960): Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany (Fed. Rep.), Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Spain, Sweden, Switzerland, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yugoslavia.
4 Voir l'article 20 de l’accord entre le Conseil fédéral suisse et l’OIT (infra) Dans cet article, référence est faite à ce modus vivendi ainsi qu’à celui de 1926 dont le texte est reproduit plus bas.
quelques mois, et des correspondances ultérieurement échangées, les vues du Secrétaire général de la Société des Nations, concernant la mise en application de l'article VII, 4ᵉ alinéa, du Pacte, concordaient aujourd'hui, sur un grand nombre de points, avec sa propre manière de voir.

S'inspirant du résultat de nos pourparlers, le Conseil fédéral nous a chargés et nous avons l'honneur de vous faire part des propositions suivantes, qui ont trait aux questions au sujet desquelles l'accord s'est établi. Ces propositions pourraient constituer la base d'un premier modus vivendi provisoire de la Société des Nations à Genève; ce règlement partiel, constamment révisable à la demande de l'une ou de l'autre des Parties, serait facile à compléter dans la suite, à mesure que les points demeurés encore en suspens auront été réglés.

Voici les propositions dont il s'agit:

I. Personnel

Le personnel du Secrétariat général de la Société des Nations et du Bureau international du Travail bénéficiera des mêmes prérogatives et immunités que celles reconnues par le droit international et par la pratique au personnel des missions diplomatiques; il sera, conséquemment, soumis à un régime analogue, mutatis mutandis à celui appliqué aux membres des missions diplomatiques accréditées auprès de la Confédération. Ce régime comporte la division du personnel en deux catégories distinctes, dont la situation diffère.

Le personnel de première catégorie (à Berne, le corps diplomatique et les chefs de chancellerie), comprendra, à Genève, les membres du personnel qui, par leur rang et leurs attributions, correspondent à des fonctionnaires publics. Ce personnel, dit « personnel exterritorial » sera, par assimilation avec le corps diplomatique à Berne, admis au bénéfice des prérogatives et immunités que la pratique synthétise sous le nom d'« exterritorialité » et qui sont les suivantes:

A. — L'inviolabilité, dans l'acceptation technique que le droit international donne à ce mot.

B. — L'exterritorialité, au sens précis et restreint de ce terme, soit la présomption en vertu de laquelle celui qui y a droit est censé conserver son domicile dans son pays d'origine.

C. — L'immunité de juridiction civile et criminelle, telle qu'on l'entend en droit international.

En application, par analogie, de la coutume qui confère aux Gouvernements le droit de demander, en tout temps, le rappel d'un diplomate dont l'attitude ou la conduite auraient laissé à désirer, le Secrétaire général de la Société des Nations et le Directeur du Bureau international du Travail, lorsque le Gouvernement fédéral leur aura signalé des cas semblables, les soumettront à un examen attentif et prendront à l'égard du fonctionnaire en cause des sanctions administratives qui iront éventuellement jusqu'au licenciement. Cette procédure sera, cela va de soi, sans préjudice, des poursuites judiciaires à ouvrir en cas d'infraction. L'action judiciaire (sauf les exceptions prévues par le droit international) appartiendra aux organes du pays d'origine de l'intéressé. Si toutefois le Secrétariat général ou le Bureau international du Travail reconnaissent à l'immunité couvrant leur fonctionnaire, les tribunaux suisses, l'obstacle de l'exterritorialité étant levé, pourraient alors être saisis en application normale de leur procédure.
Particulièremment dans les cas graves, la renonciation à l'immunité serait très désirable.

En matière civile également, si le fonctionnaire renonçait à se prévaloir de son exterritorialité, les tribunaux suisses retrouveraient leur compétence en tant que tribunaux du for du domicile de fait.

D. — L'immunité fiscale, soit l'exonération des impôts directs personnels et des taxes somptuaires, des impôts généraux sur la fortune, soit sur le capital, soit sur le revenu et des décimes de guerre.

E. — En matière de douane:

1°) Par application de la décision prise à ce sujet par le Conseil fédéral, le 5 de ce mois, les hauts fonctionnaires de la Société des Nations suivants, pour autant qu’ils ne sont pas citoyens suisses, bénéficieront de la franchise de douane pour tous les objets destinés à leur usage personnel:

a) Le Secrétaire général de la Société des Nations et son adjoint, les deux Sous-Secrétaires généraux et les huit Directeurs du Secrétariat général;

b) Le Directeur et le Sous-Directeur du Bureau international du Travail, les deux chefs de Division de ce bureau.

Ces fonctionnaires seront, en outre, à l’égal des représentants diplomatiques à Berne, dispensés, en principe, de la visite douanière de leurs bagages.

2°) Le reste du personnel de première catégorie jouira des mêmes avantages que ceux accordés à l’ensemble du corps diplomatique à Berne par l’arrêté du Conseil fédéral du 8 octobre 1912 (entrée en franchise des effets neufs de première installation, etc.); la visite en douane des bagages de ce personnel sera, comme à l’égard du corps diplomatique, réduite au strict minimum.

F. — Le personnel de première catégorie aura droit au visa diplomatique de ses passeports. Ce visa, délivré par la Division des affaires étrangères du Département politique fédéral, est, soit simple, c’est-à-dire valable pour un seul voyage aller et retour, soit, sur demande, permanent, c’est-à-dire valable pour un nombre indéterminé de voyages aller et retour par toutes frontières, avec durée de validité pouvant aller jusqu’à un an. Le visa diplomatique peut également être obtenu auprès d’une légation de Suisse à l’étranger.

G. — La femme et les enfants des fonctionnaires de la première catégorie partageront la condition du chef de famille, s’ils vivent avec lui et sont sans profession.

Le Secrétariat général et le Bureau international du Travail établiront une liste nominative de leur personnel de première catégorie, indiquant la nationalité, les attributions et l’adresse de chaque fonctionnaire et mentionnant qu’il est marié ou célibataire. Cette liste sera communiquée au Département politique fédéral, qui sera tenu régulièrement au courant des mutations; sur sa base, la Division des affaires étrangères fournira aux intéressés des cartes d’identité, munies de la photographie du titulaire; ces cartes, contresignées par le Secrétariat général ou le Bureau international du Travail, serviront à la légitimation du fonctionnaire à l’égard des Autorités fédérales et cantonales; elles seront restituées en cas de départ définitif.

Le personnel de deuxième catégorie (non exterritorial) comprendra le reste du personnel officiel, soit le personnel technique et manuel, tous ceux, en d’autres termes qui, sans être assimilables à des fonctionnaires publics, sont néanmoins engagés et salariés par la Société des Nations et se trouvent au
service exclusif de son Secrétariat général ou du Bureau international du Travail. La situation de ce personnel sera la suivante:

A. — Il bénéficiera d’une complète immunité pour les actes qu’il aura accomplis en sa qualité officielle et dans les limites de ses attributions. Il restera, par contre, soumis aux lois et à la juridiction locales pour les actes de sa vie privée. Au cas, toutefois, où des mesures judiciaires, de police ou autres, prises à l’égard d’un membre de ce personnel, seraient de nature à entraver la marche normale des services de la Société des Nations, le Département politique fédéral, à la demande du Secrétariat général, attirera aussitôt sur ce fait l’attention de l’Autorité compétente, qui en tiendra compte dans la mesure compatible avec l’ordre public.

B. — Il sera dispensé de l’obligation de s’annoncer à la police locale et de déposer ses pièces de légitimation. Une liste nominative du personnel de deuxième catégorie, analogue à celle mentionnée plus haut à propos du personnel exterritorial, sera également fournie au Département politique fédéral par le Secrétariat général et le Bureau international du Travail. Sur la base de cet état, qui devra, comme celui du personnel de première catégorie, rester constamment à jour, des cartes d’identité, de couleur différente de celles du personnel exterritorial, seront délivrées aux intéressés par la Division des affaires étrangères.

C. — En matière fiscale, le personnel de deuxième catégorie sera, par application de l’arrêté fédéral du 28 septembre 1920 (article 18) et de l’arrêté du Conseil d’État du Canton de Genève du 14 juin 1921, exonéré:

1° Des taxes sur le revenu professionnel (traitements);
2° De la taxe sur la fortune (pour autant, du moins, que le montant des revenus n’excèdera pas celui du traitement);
3° Du paiement de l’impôt fédéral de guerre.

D. — En matière de douane, le personnel de deuxième catégorie bénéficiera des mêmes facilités de visite que le personnel exterritorial. Il n’aura, par contre, et comme le personnel correspondant à Berne, droit à aucune franchise.

E. — En matière de passeports, le personnel de deuxième catégorie recevra, comme à Berne, le personnel correspondant, le visa officiel (non diplomatique) de la Division des affaires étrangères. De même que le visa diplomatique, ce visa est, soit simple, soit permanent, avec même durée de validité maximum.

F. — La femme et les enfants des membres du personnel de deuxième catégorie partageront la condition du chef de famille, s’ils vivent avec lui et sont sans profession.

Les dispositions qui précèdent, tant celles relatives au personnel exterritorial que celles applicables au personnel de deuxième catégorie, ne concernent pas le personnel de nationalité suisse, dont la situation reste à régler.

Il y a lieu, toutefois, de mentionner dès à présent:

A. — Que les ressortissants suisses, fonctionnaires ou employés de la Société des Nations, bénéficient de l’immunité de juridiction pour tous les actes qu’ils accomplissent en leur qualité officielle et dans la limite de leurs attributions;

B. — Que ceux d’entre eux qui, par leurs fonctions, se rattachent à la première catégorie ont, s’ils se rendent en mission à l’étranger, droit à un passeport officiel du Conseil fédéral;

II. **Locaux, archives et courriers**

A. — Les locaux dans lesquels les services de la Société des Nations (Secrétariat général et Bureau international du Travail) sont établis (si ce sont des bâtiments entiers, ces bâtiments, y compris leurs jardins et dépendances) seront inviolables; par quoi il faut entendre que nul agent de l’Autorité publique ne devra y pénétrer, pour un acte de ses fonctions, sans le consentement du Secrétariat général ou du Bureau international du Travail.


C. — En application par analogie du droit qu’ont les missions diplomatiques de correspondre librement avec leur Gouvernement, le Secrétariat général et le Bureau international du Travail auront le droit de faire usage de courriers de Cabinet pour la transmission de leur correspondance officielle à leurs agents à l’étranger (et vice versa); on voudra bien se référer, à cet égard, à la correspondance échangée entre la Division des affaires étrangères et le Secrétariat général concernant les détails d’organisation du service de courriers Genève-Paris.

D. — La Société des Nations bénéficiera d’une entière franchise de douane pour tous objets lui appartenant en propre (non à son personnel) et destinés à l’usage exclusif du Secrétariat général ou du Bureau international du Travail (mobilier des locaux, matériel et fournitures de bureau, etc.)

III. **Personnalité internationale de la Société des Nations**

Bien que l’article VII du Pacte de la Société des Nations n’ait trait qu’au personnel et aux locaux de la Société, il y a lieu d’admettre qu’en application, sinon de la lettre, du moins de l’esprit du Pacte, la Société des Nations peut revendiquer, en sa faveur, la personnalité internationale et la capacité juridique, qu’elle a droit, en conséquence, à un statut analogue à celui d’un État. Il en ressort que la Société des Nations peut prétendre à la même indépendance à l’égard des organes administratifs et judiciaires suisses que les autres membres de la communauté internationale, en sorte qu’elle ne doit pas être actionnée devant les tribunaux suisses sans son consentement (abstraction faite des exceptions consacrées par le droit international, comme, par exemple, en matière d’actions réelles immobilières, etc.).

Toutefois, la Société des Nations, à la différence des autres personnes internationales, n’ayant, faute de territoire, pas de tribunaux à offrir, il en résulte qu’elle ne peut, à l’heure actuelle, être actionnée nulle part sans son consentement. Sans doute, la Société des Nations, par le fait que son siège est à Genève, peut dès aujourd’hui s’adresser aux tribunaux suisses; il lui suffit, à cet effet, de renoncer à se prévaloir de son extraterritorialité; elle peut le faire, soit expressément, en se portant demanderesse, soit tacitement, en n’élevant pas le déclinatoire d’incompétence. Cependant, le Gouvernement suisse est de l’avis qu’il serait certainement préférable que la Société, dans son intérêt même, ne se contentât pas de la compétence, pour elle aujourd’hui...
simplement facultative, des tribunaux suisses, et fit aussitôt que possible
choix d’un for juridiciaire général; ce choix pourrait d’ailleurs n’être que
provisoire. Du moment où la Société des Nations a son siège à Genève, il
semblerait naturel que l’élection de for fût faite dans cette ville.
La Société des Nations pouvant d’ores et déjà, si elle le désire, en appeler
aux tribunaux suisses, le Gouvernement fédéral n’a, conséquemment, pas
d’offres à faire sur ce point; il se borne à exprimer le vœu de connaître
bientôt les propositions que le Secrétariat général estimerait pouvoir formuler
en vue de remédier à ce que la situation actuelle a d’anormal.
Dans l’attente des obligantes communications que vous voudrez bien
nous faire parvenir relativement à ce qui précède, nous saisissions cette
occasion pour vous réiterer, Monsieur le Secrétaire général, l’assurance de
notre haute considération.

Département politique fédéral
(Signé) Motta

Genève, le 24 octobre 1921

Monsieur le Conseiller fédéral G. Motta,
Chef du Département politique fédéral,
Berne.

Monsieur le Conseiller,

En répondant à votre lettre du 19 juillet B.56/41.D./1/-CA, j’éprouve,
pour ma part, la satisfaction de pouvoir constater que les vues du Gouverne-
ment fédéral suisse, en ce qui concerne les questions des privilèges et im-
munités diplomatiques, concordent, sur le plus grand nombre des points,
avec ma manière de voir.

Il me paraît, en effet qu’un modus vivendi provisoire pourra être établi sur
la base des propositions du Gouvernement fédéral suisse et des observations
suivantes que je me permets de présenter.

Je partage l’opinion que ce premier arrangement partiel sera constamment
revisable à la demande de celle des parties qui le jugera nécessaire.

Pour le moment, on pourra donc considérer comme acquises, les conclu-
sions suivantes:

I. Personnel

Le personnel du Secrétariat général de la Société des Nations et du Bureau
international du Travail sera soumis à un régime analogue, mutatis mutandis
à celui appliqué aux membres des missions diplomatiques accréditées auprès
de la Confédération, c’est-à-dire qu’il bénéficiera des mêmes prérogatives et
immunités que celles reconnues par le droit international et par la pratique
au personnel des missions diplomatiques.

Par conséquent, les membres du personnel, qui correspondent à des
fonctionnaires publics, jouiront des prérogatives et immunités connues sous
le nom d’extraterritorialité.

J’aurai l’honneur de présenter au Gouvernement fédéral suisse une liste
nominative des membres du personnel qui se trouvent dans cette situation
et je ne manquerai pas de communiquer de temps à autre, les mutations
qui s’y produiraient.

En ce qui concerne les détails mentionnés sous les lettres A et D, F, E, G
de cette catégorie, je peux me déclarer complètement d’accord.
Il y a également accord, en ce qui concerne la situation de la 2ᵉ catégorie (non-exterritorialité) mentionnée dans la lettre du Gouvernement fédéral suisse. Toutefois, je me permets de faire remarquer qu’il y aurait peut-être lieu d’établir pour cette catégorie du personnel la même immunité fiscale que celle qui a été établie pour le personnel de 1ᵉʳ catégorie.


Quant aux propositions faites en ce qui concerne les archives de la Société des Nations, le service des courriers et la franchise de douane pour les objets appartenant à la Société et destinés à l’usage exclusif du Secrétariat général ou du Bureau international du Travail, il n’y a pas d’observations à faire.

Enfin, je me permets d’exprimer mon appréciation, aussi bien en mon nom propre qu’en celui du personnel, de la courtoisie témoignée par le Gouvernement suisse, en ce qui concerne les franchises de douane et les facilités de douanes offertes par le Gouvernement fédéral suisse au personnel sous les nos. I.E. — et II.D.

Il est bien entendu que la situation du personnel de nationalité suisse restera à régler. Il est toutefois bien entendu que, dès à présent, les ressortissants suisses, fonctionnaires ou employés de la Société des Nations, bénéficieront de l’immunité de juridiction pour tous les actes qu’ils accomplissent en leur qualité officielle et dans la limite de leurs attributions; que ceux d’entre eux, qui par leurs fonctions, se rattachent à la première catégorie, auront s’ils se rendent en mission à l’étranger, droit à un passeport officiel du Conseil fédéral et qu’ils seront exemptés du paiement de la taxe sur le revenu professionnel, pour les traitements qui leur sont alloués par la Société des Nations.

En ce qui concerne le dernier point, il me paraît que l’exemption fiscale devrait s’étendre à toute taxation possible pour les traitements alloués par la Société.

La lettre du Gouvernement fédéral suisse parle également de la personnalité internationale de la Société des Nations. Il ne sera peut-être pas nécessaire d’entrer dans les détails de cette question. Elle ne pourrait pas être résolue définitivement par la correspondance présente. Pour ma part, je partage l’opinion selon laquelle la Société des Nations peut prétendre à la même indépendance à l’égard des organes administratifs judiciaires suisses que les membres de la communauté internationale, c’est-à-dire qu’elle ne doit pas être actionnée, en principe, devant les tribunaux suisses sans son consentement. Il ne me paraît pas douteux que, le cas échéant, la Société des Nations consentira à reconnaître un forum judiciaire dans l’éventualité d’un litige. Toutefois, il me semble qu’il vaudra mieux qu’elle conserve pour le moment toute liberté en cette matière, ce qui sera, de plus, justifié, parce que jusqu’ici la pratique n’a pas paru soulever d’inconvénients. Les décisions sur ce point pourront être prises par les organes compétents de la Société des Nations, au moment où le cas se présentera.

J’ajoute que, pour ce qui concerne la question des droits, immunités et privilèges diplomatiques, M. le Directeur du Bureau international du Travail,
consulté par moi, s’est déclaré d’accord avec mes déclarations et avec le modus vivendi acquis, en soulignant toutefois la réserve mentionnée déjà de ma part au commencement de cette lettre, qu’il ne peut s’agir que d’un modus vivendi qui sera à tout temps modifiable.

En vous présentant ces observations, je saisir l’occasion pour vous réitérer, Monsieur le Chef du Département politique fédéral, l’assurance de ma haute considération.

Eric Drummond,
Secrétaire général

4. MODUS VIVENDI DE 1926 (COMMUNICATIONS DU CONSEIL FÉDÉRAL SUISSE CONCERNANT LE RÉGIME DES IMMUNITÉS DIPLOMATIQUES DU PERSONNEL DE LA SOCIÉTÉ DES NATIONS ET DU BUREAU INTERNATIONAL DU TRAVAIL)

Note du Secrétaire général, soumise au Conseil le 20 septembre 1926

Genève, le 18 septembre 1926

Le Secrétaire général a l’honneur de soumettre au Conseil le texte d’un nouveau modus vivendi relatif aux immunités diplomatiques du personnel des organismes de la Société à Genève. Ce texte a été accepté tant par le Gouvernement fédéral que par le Secrétaire général et le Directeur du Bureau international du Travail.

I

Le Gouvernement fédéral suisse reconnaît que la Société des Nations, possédant la personnalité internationale et la capacité juridique, ne peut être, en principe, selon les règles du droit des gens, actionnée devant les tribunaux suisses sans son consentement exprès.

II

Les locaux dans lesquels les services de la Société des Nations (Secrétariat et Bureau international du Travail) sont installés (si ce sont des bâtiments entiers, ces bâtiments, y compris leurs jardins et dépendances) sont inviolables, c’est-à-dire que nul agent de l’autorité publique ne doit y pénétrer pour un acte de ses fonctions, sans le consentement du Secrétariat général ou du Bureau international du Travail.

III

Les archives de la Société des Nations sont inviolables.

IV

Le Secrétaire général de la Société des Nations et le Directeur du Bureau international du Travail ont le droit de faire usage de courriers pour la réception et l’envoi de la correspondance officielle avec les Membres de la Société des Nations et ses agents hors de Suisse.

V

La franchise douanière est accordée à la Société des Nations pour tous objets, appelés ou non à faire partie intégrante d’un immeuble, qui appartiennent en propre à la Société et sont destinés à son usage exclusif.

VI

La Société des Nations jouira de l’exemption fiscale complète pour tous ses avoirs en banque (comptes courants et dépôts) et ses titres de valeurs mobilières.

En particulier, elle est exonérée du droit de timbre sur les coupons, institué par la loi fédérale du 25 juin 1921. L’exonération sera effectuée par voie de remboursement au profit de la Société des Nations des droits perçus sur ses avoirs.

VII


Le personnel de seconde catégorie jouit des mêmes privilèges pour les actes accomplis officiellement et dans la limite de ses attributions. Il reste soumis aux lois et à la juridiction locales pour les actes de sa vie privée.

Il est bien entendu, toutefois, que les organismes de la Société des Nations à Genève s’efforceront de faciliter le bon fonctionnement de la justice et de la police à Genève.

VIII

Les fonctionnaires des organismes de la Société des Nations appartenant au personnel de première catégorie jouissent de l’immunité fiscale. À ce titre, ils sont exonérés, conformément à la pratique internationale, de tous impôts directs, à l’exception des charges réelles grevant les propriétés immobilières (impôt foncier); ils demeurent astreints à l’acquittement des impôts indirects et des taxes. L’expression « impôts directs » s’entend de ceux qui sont prélevés directement auprès du contribuable. Par « taxes », il y a lieu d’entendre seulement — et quelle que soit l’expression employée dans les prescriptions régissant la matière — les contributions corrélatives d’une contre-prestation spéciale et précise de l’administration à la personne qui paie, ainsi que celles qui sont versées en couverture de dépenses particulièrement nécessitée par le fait du contribuable.

Le personnel de deuxième catégorie est exonéré:

1° De l’impôt dit « taxe » — sur le revenu professionnel (traitement);
2° De l’impôt dit « taxe » — sur la fortune ou le revenu;
3° De l’impôt fédéral de guerre extraordinaire.

IX

En ce qui concerne le personnel de nationalité suisse, les exceptions suivantes sont instituées:

1 En ce qui concerne l’impôt fédéral de guerre, voir note annexe.
1° Les fonctionnaires de nationalité suisse n'ont point à répondre devant la juridiction locale des actes qu'ils accomplissent en leur qualité officielle et dans la limite de leurs attributions.

2° Les traitements qui leur sont alloués par la Société des Nations sont exonérés des impôts directs cantonaux et communaux.

X

Le traitement en douane des envois destinés aux fonctionnaires des organismes de la Société des Nations a lieu conformément aux « Prescriptions » dont le texte a été communiqué au Secrétaire général de la Société par le chef du Département politique fédéral, en date du 10 janvier 1926.

XI

Si les exigences de l'instruction ou les intérêts du pays le permettent, des dispenses ou ajournements d'un service militaire seront accordés aux fonctionnaires de nationalité suisse, incorporés dans l'armée fédérale, lorsque le fait pour eux de donner suite à un ordre d'appel serait de nature à entraver sérieusement la marche normale des services de la Société.

XII

Pour l'application des règles du modus vivendi, les correspondances entre les organismes de la Société des Nations et les autorités suisses seront échangées par l'intermédiaire du Département politique fédéral, sauf dans les cas où une autre procédure aura été prévue.

XIII

Les présentes dispositions complètent ou résument, sans les abroger, les règles antérieurement établies par échange de notes entre les organismes de la Société des Nations et le Département politique fédéral.

XIV

Tant que le présent arrangement demeurera en vigueur, l'examen des arguments juridiques énoncés dans les notes des 24 février et 5 mars 1926 ne sera pas poursuivi.

Les règles du modus vivendi énoncées ci-dessus ne pourront être modifiées que de concert entre les organismes de la Société des Nations et le Département politique fédéral. Au cas, toutefois, où un accord ne pourrait être réalisé, il sera possible, soit au Gouvernement fédéral, soit aux organismes de la Société des Nations, de dénoncer tout ou partie des règles du modus vivendi. Dans ce cas, les règles visées dans la dénonciation demeureront en vigueur pendant une année à dater de cette dénonciation.

NOTE RELATIVE À L’IMPÔT FÉDÉRAL DE GUERRE
(Personnel de nationalité suisse)

En ce qui concerne l'exemption de l'impôt fédéral de guerre accordée au personnel de nationalité suisse, la position actuelle est la suivante:
D'une lettre du 17 juillet 1926, émanant du Département politique fédéral, il résulte que le Conseil fédéral est disposé à dégrevé de cet impôt le traite-
ment des fonctionnaires de nationalité suisse jusqu'à l'expiration des contrats d'engagement au bénéfice desquels les intéressés se trouvent actuellement et qui pourraient leur assurer un traitement franc d'impôts. Par cette exonération temporaire, le Conseil fédéral entend éviter que l'acquittement de l'impôt fédéral de guerre puisse aboutir, par le jeu des clauses des contrats en vigueur, à charger, fût-ce indirectement, le budget de la Société des Nations. Étant donné le caractère et le but spécial de l'impôt fédéral de guerre et certaines raisons de principe, le Conseil fédéral ne croit pas pouvoir envisager une exonération définitive.

Le Secrétaire général ayant accepté l'arrangement proposé par le Conseil fédéral en ce qui concerne les contrats actuellement en vigueur, mais devant encore considérer les diverses difficultés juridiques et administratives pouvant résulter de différenciations dans les contrats, une solution définitive n'est pas intervenue jusqu'à présent.

5. AMENDEMENT, EN DATE DU 24 AVRIL 1928, A L'ARTICLE VIII DU MODUS VIVENDI DE 1926 (COMMUNICATION DU CONSEIL FÉDÉRAL SUISSE CONCERNANT LE RÉGIME DES IMMUNITÉS DIPLOMATIQUES DU PERSONNEL DE LA SOCIÉTÉ DES NATIONS)

Note du Secrétaire général

En se référant à sa note du 18 septembre 1926 (voir Journal officiel, procès-verbaux du Conseil, 42e session, n° 1805 et annexe 911a), le Secrétaire général a l'honneur de porter à la connaissance du Conseil, qu'à la demande du gouvernement fédéral et avec l'approbation du Secrétaire général et du Directeur du Bureau international du Travail, une modification a été apportée au modus vivendi relatif aux privilèges et immunités diplomatiques du personnel des organismes de la Société à Genève.

Cette modification, qui a été introduite, conformément à la procédure instituée par l'article XIV du modus vivendi, vise la deuxième phrase de l'article VIII de l'arrangement, auquel une adjonction a été faite. La teneur exacte de la deuxième phrase de l'article VIII se trouve reproduite ci-après (le texte de l'amendement qui est entré en vigueur le 24 avril 1928 est en italique):

« A ce titre, ils sont exonérés, conformément à la pratique internationale, de tous impôts directs, à l'exception des charges réelles grevant les propriétés immobilières (impôts fonciers) et des droits de mutation auxquels ils peuvent être assujettis comme héritiers ou légataires d'une personne décédée en Suisse ou comme bénéficiaires d'une donation entre vifs dont le donateur serait domicilié en Suisse, étant entendu que la transmission pour cause de mort ou par donation entre vifs de biens appartenant à des fonctionnaires jouissant des privilèges et immunités diplomatiques demeure soustraite à toute imposition; ils demeurent astreints à l'acquittement... ».

1 Société des Nations, C.188.1928.V.
6. ACCORD ENTRE LA SUISSE ET L'ORGANISATION INTERNATIONALE DU TRAVAIL, ARRANGEMENT D'EXÉCUTION DE L'ACCORD, ET DÉCLARATION CONCERNANT LE STATUT JURIDIQUE EN SUISSE DE L'ORGANISATION INTERNATIONALE DU TRAVAIL APRÈS LA DISSOLUTION DE LA SOCIÉTÉ DES NATIONS SIGNÉE LE 11 MARS 1946, ET ÉCHANGE DE NOTES DES 28 MAI ET 7 JUIN 1946 CONFIRMANT L'ENTRÉE EN VIGUEUR DE L'ACCORD ET DE L'ARRANGEMENT ¹

ACCORD ² ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION INTERNATIONALE DU TRAVAIL POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE

Le Conseil fédéral suisse,

d'une part,

L'Organisation internationale du Travail,

d'autre part,

Désireux de conclure un accord en vue de régler en Suisse le statut juridique de l'Organisation internationale du Travail, après la dissolution de la Société des Nations, ont convenu des dispositions suivantes:

Article 1

Liberté d'action de l'OIT

Le Conseil fédéral suisse garantit à l'Organisation internationale du Travail l'indépendance et la liberté d'action qui lui appartiennent en sa qualité d'institution internationale.

Article 2

Personnalité de l'OIT

Le Conseil fédéral suisse reconnaît la personnalité internationale et la capacité juridique en Suisse de l'Organisation internationale du Travail.

Article 3

Immunités de l'OIT

L'Organisation internationale du Travail est au bénéfice de l'ensemble des immunités connues, en droit des gens, sous le nom d'immunités diplomatiques.

Article 4

Extériorité des terrains et locaux

Le Conseil fédéral suisse reconnaît notamment l'extériorité des terrains et locaux de l'Organisation internationale du Travail et de tous locaux occupés par celle à l'occasion de la Conférence internationale du Travail ou de toute autre réunion convoquée en Suisse par l'Organisation internationale du Travail.

² Entré en vigueur le 27 mai 1946, conformément à l'article 28. (Voir échange de notes, infra.)
Article 5

Liberté de réunion

Le Conseil fédéral suisse reconnaît à l’Organisation internationale du Travail et à ses Membres, dans leurs rapports avec elle, une liberté de réunion absolue comportant la liberté de discussion et de décision.

Article 6

Immunité de juridiction et immunité à l’égard d’autres mesures

1. L’Organisation internationale du Travail bénéficie, pour elle-même, ses propriétés et ses biens, quel que soit le lieu où ils se trouvent ou la personne qui les détient, de l’immunité à l’égard de toute forme d’action judiciaire, sauf dans la mesure où cette immunité a été formellement levée par le Directeur du Bureau international du Travail ou son représentant régulièrement autorisé.

2. Les propriétés et biens de l’Organisation internationale du Travail, quel que soit le lieu où ils se trouvent ou la personne qui les détient, sont au bénéfice de l’immunité à l’égard de toute mesure de perquisition, réquisition, confiscation, expropriation et de toute autre forme de saisie ou d’ingérence de toute autorité publique de quelque nature que ce soit.

Article 7

Inviolabilité des terrains et locaux


Article 8

Inviolabilité des archives

Les archives de l’Organisation internationale du Travail et, en général, tous les documents qui lui appartiennent ou se trouvent en sa possession sont inviolables.

Article 9

Publications

L’exportation et l’importation des publications de l’Organisation internationale du Travail ne seront soumises à aucune mesure restrictive.

Article 10

Régime fiscal de l’OIT

L’Organisation internationale du Travail est exonérée des impôts directs et indirects, fédéraux, cantonaux et communaux, sur les immeubles dont elle est propriétaire et qui sont occupés par ses services, de même que sur ses biens mobiliers, étant entendu qu’elle ne sollicite pas l’exemption de taxes auxquelles correspond une prestation de l’autorité publique.

Article 11

Libre disposition des fonds

1. L’Organisation internationale du Travail peut recevoir et détenir tous fonds quelconques, toutes devises, numériques et autres valeurs mobi-
lières, et en disposer librement tant à l'intérieur de la Suisse que dans ses relations avec l'étranger.

2. Le présent article est applicable aux États Membres dans leurs relations avec l'Organisation internationale du Travail.

Article 12

Communications officielles

L'Organisation internationale du Travail bénéficie dans ses communications officielles, d'un traitement au moins aussi favorable que celui assuré aux missions diplomatiques en Suisse:

a) pour toutes priorités de communications et de moyens de transport;

b) pour les tarifs postaux, télégraphiques, radiotélégraphiques, téléphoniques, radiotéléphoniques, té léphotographiques, etc.

Article 13

Exemption de censure

Aucune censure ne peut être exercée à l'égard des communications officielles dûment authentifiées de l'Organisation internationale du Travail, quelle que soit la voie de communication employée.

Article 14

Liberté d'accès et de séjour

1. Les autorités suisses prendront toutes mesures utiles pour faciliter l'entrée sur le territoire suisse, la sortie de ce territoire et le séjour à toutes les personnes appelées, en qualité officielle, auprès de l'Organisation internationale du Travail, soit:

a) Les représentants des États Membres, quels que soient les rapports existant entre la Suisse et ces États;

b) Les membres du Conseil d'administration du Bureau international du Travail, quelle que soit leur nationalité;

c) Les agents et les fonctionnaires de l'Organisation internationale du Travail;

d) Les personnes, quelle que soit leur nationalité, appelées par l'Organisation internationale du Travail.

2. Toutes mesures concernant la police des étrangers et visant à restreindre l'entrée en Suisse des étrangers ou à contrôler les conditions de leur séjour seront sans application à l'égard des personnes visées au présent article.

Article 15

Immunités des représentants des Membres et du Conseil d'administration

Les représentants des Membres de l'Organisation internationale du Travail et les membres du Conseil d'administration appelés en Suisse par leurs fonctions y jouissent des privilèges et immunités suivants:

a) Inviolabilité de la personne, du lieu de résidence et de tous objets quelconques appartenant à l'intéressé;

b) Immunité de juridiction;

c) Immunité fiscale correspondant à celle qui est accordée aux agents diplomatiques conformément à l'usage international admis en Suisse;
d) Facilités douanières correspondant à celles qui sont accordées aux agents diplomatiques conformément à l’usage international admis en Suisse;

e) Droit d’user de chiffres dans leurs communications officielles et de recevoir ou d’envoyer des documents ou de la correspondance par l’intermédiaire de courriers ou par valises diplomatiques dûment scellées;
f) Exemption des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques des gouvernements étrangers en mission temporaire.

Article 16

Immunités diplomatiques du Directeur et de certains fonctionnaires

Le Directeur du Bureau international du Travail et les fonctionnaires des catégories désignées par lui et agréées par le Conseil fédéral suisse, jouissent des privilèges, immunités, exemptions et facilités reconnus aux agents diplomatiques conformément au droit des gens et aux usages internationaux.

Article 17

Immunités et facilités accordées à tous les fonctionnaires

Tous les fonctionnaires du Bureau international du Travail, quelle que soit leur nationalité, sont au bénéfice des immunités et facilités suivantes:

a) Exemption de toute juridiction pour les actes accomplis dans l’exercice de leurs fonctions;
b) Exonération de tous impôts fédéraux, cantonaux et communaux sur les traitements, émoluments et indemnités qui leur sont versés par l’Organisation internationale du Travail.

Article 18

Exemptions et facilités accordées aux fonctionnaires non suisses

Les fonctionnaires du Bureau international du Travail qui n’ont pas la nationalité suisse bénéficient des exemptions et facilités énumérées dans l’arrangement d’exécution du présent accord.

Article 19

Caisse des pensions, etc.

Toute caisse des pensions ou institution de prévoyance exerçant son activité sous l’autorité de l’Organisation internationale du Travail aura la capacité juridique en Suisse si elle en exprime le désir et sera au bénéfice des mêmes exemptions, immunités et privilèges que l’Organisation elle-même.

Article 20

Arrangements antérieurs

Dans la mesure où ils ne sont pas modifiés par le présent accord, les modus vivendi de 1921 et de 1926 et les arrangements complémentaires conclus entre le Département politique fédéral, la Société des Nations et le Bureau international du Travail restent applicables à l’Organisation internationale du Travail.

1 Le texte de ce modus vivendi est reproduit plus haut.
Article 21

Objet des immunités

1. Les immunités prévues par le présent accord ne sont pas établies en vue d’accorder aux fonctionnaires de l’Organisation internationale du Travail des avantages et des commodités personnels. Elles sont instituées uniquement afin d’assurer, en toute circonstance, le libre fonctionnement de l’Organisation internationale du Travail et la complète indépendance de ses agents.

Levée des immunités

2. Le Directeur du Bureau international du Travail a le droit et le devoir de lever l’immunité d’un fonctionnaire lorsqu’il estime que cette immunité empêche le jeu normal de la justice et qu’il est possible d’y renoncer sans porter atteinte aux intérêts de l’Organisation internationale du Travail.

Article 22

Prévention des abus

L’Organisation internationale du Travail coopérera en tout temps avec les autorités suisses en vue de faciliter une bonne administration de la justice, d’assurer l’observation des règlements de police et d’empêcher tout abus des privilèges, immunités et facilités prévus par le présent accord.

Article 23

Differends d’ordre privé

L’Organisation internationale du Travail prendra des dispositions appropriées en vue du règlement satisfaisant:

a) De différends résultant de contrats auxquels l’Organisation internationale du Travail serait partie et d’autres différends portant sur un point de droit privé;

b) De différends dans lesquels serait impliqué un fonctionnaire de l’Organisation internationale du Travail qui jouit, du fait de sa situation officielle, de l’immunité, si cette immunité n’a pas été levée par le Directeur.

Article 24

Non-responsabilité de la Suisse

La Suisse n’encourt, du fait de l’activité de l’Organisation internationale du Travail sur son territoire, aucune responsabilité internationale quelconque pour les actes et omissions de l’Organisation ou pour ceux de ses agents agissant ou s’abstenant dans le cadre de leurs fonctions.

Article 25

Sécurité de la Suisse

1. Rien dans le présent accord n’affecte le droit du Conseil fédéral suisse de prendre les précautions utiles dans l’intérêt de la sécurité de la Suisse.

2. Au cas où il estimerait nécessaire d’appliquer le premier paragraphe du présent article, le Conseil fédéral suisse se mettra, aussi rapidement que les circonstances le permettront, en rapport avec l’Organisation internationale du Travail en vue d’arrêter, d’un commun accord, les mesures nécessaires pour protéger les intérêts de l’Organisation.
3. L'Organisation internationale du Travail collaborera avec les autorités suisses en vue d'éviter tout préjudice à la sécurité de la Suisse du fait de son activité.

Article 26

**Exécution de l'accord par la Suisse**

Le Département politique fédéral est chargé de l'exécution par la Confédération suisse du présent accord et de son arrangement d'exécution.

Article 27

**Juridiction**

1. Toute divergence de vue concernant l'application ou l'interprétation du présent accord ou de son arrangement d'exécution qui n'aurait pas pu être réglée par des pourparlers directs entre les parties pourra être soumise, par l'une ou l'autre partie, à l'appréciation d'un tribunal composé de trois membres qui sera constitué dès l'entrée en vigueur du présent accord.

2. Le Conseil fédéral suisse et l'Organisation internationale du Travail désigneront chacun un membre du tribunal.

3. Les juges ainsi désignés choisiront leur président.

4. En cas de désaccord entre les juges au sujet de la personne du président, ce dernier sera désigné par le président de la Cour suprême des Pays-Bas à la requête des membres du tribunal.

5. Le tribunal sera saisi par l'une ou l'autre partie par voie de requête.


Article 28

**Entrée en vigueur**

1. Le présent accord entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et le Conseil d'administration du Bureau international du Travail.


Article 29

**Régime transitoire**

Jusqu'à la date de la dissolution de la Société des Nations les *modus vivendi* de 1921 et de 1926, de même que les arrangements complémentaires conclus entre le Département politique, la Société des Nations et le Bureau international du Travail resteront applicables à l'Organisation internationale du Travail.

Article 30

**Modifications de l'accord**

1. Le présent accord peut être revisé à la demande de l'une ou l'autre partie.

2. Dans cette éventualité, les deux parties se concertèrent sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent accord.

3. Au cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'accord pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.
Article 31

Arrangement d'exécution

Les dispositions du présent accord sont complétées par l'arrangement d'exécution.

ARRANGEMENT 1 D'EXÉCUTION DE L'ACCORD CONCLU ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION INTERNATIONALE DU TRAVAIL POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE

Article premier

Franchise douanière

L'Organisation internationale du Travail bénéficie de l'exemption complète des droits de douane, de statistique, etc., pour toutes les marchandises destinées à l'usage officiel de l'Organisation internationale du Travail ou provenant de cette dernière, étant entendu que les objets importés en franchise ne pourront être vendus en Suisse que dans des conditions à déterminer par accord entre l'Organisation internationale du Travail et le Conseil fédéral suisse.

Article 2

Importation et exportation de marchandises

Le Conseil fédéral suisse reconnaît, en ce qui le concerne, que les prohibitions et restrictions aux importations et exportations de marchandises ne sont pas applicables aux objets destinés à l'usage officiel de l'Organisation internationale du Travail et nécessaires à son bon fonctionnement, sous réserve des dispositions des conventions internationales générales et des mesures d'ordre sanitaire, étant entendu qu'il appartient à l'Organisation internationale du Travail d'obtenir de tout autre État intéressé le consentement éventuellement nécessaire.

Article 3

Prévoyance sociale

L'Organisation internationale du Travail est exempte de toutes contributions obligatoires à des institutions générales de prévoyance sociale, telles que les caisses de compensation, les caisses d'assurance-chômage, l'assurance-accidents, etc., étant entendu que l'Organisation internationale du Travail assurera, dans la mesure du possible et dans des conditions à convenir, l'affiliation aux systèmes suisses d'assurance de ceux de ses agents qui ne sont pas assurés d'une protection sociale équivalente par l'Organisation elle-même.

Article 4

Libre disposition des fonds

1. L'Organisation internationale du Travail peut être titulaire de comptes en toutes monnaies.

2. L'Organisation internationale du Travail peut transférer librement ses fonds, devises, numéraires et autres valeurs mobilières, de Suisse à l'étranger.

3. L'Organisation internationale du Travail peut convertir en une autre monnaie toutes devises et tous numéraires détenus par elle.

1 Entré en vigueur le 27 mai 1946, conformément à l'article 14. (Voir échange de notes, infra.)
4. Le Conseil fédéral suisse tiendra compte des dispositions des paragraphes précédents du présent article lors de ses négociations avec des gouvernements étrangers au sujet des transferts de fonds et de marchandises.

Article 5

Chifre, courrier, valise

1. L'Organisation internationale du Travail est autorisée à faire usage de chiffres dans ses communications.

2. L'Organisation internationale du Travail jouit du droit de se servir de courriers et de faire usage de valises diplomatiques dans les mêmes conditions que les gouvernements étrangers.

Article 6

Communications de presse

L'Organisation internationale du Travail bénéficie, pour ses communications destinées à la presse et à la radiodiffusion, soit directement, soit par intermédiaire, des tarifs préférentiels applicables aux communications de presse, en conformité de la convention internationale sur les télécommunications.

Article 7

Liberté d'accès et de séjour

1. En vue de faciliter l'entrée en Suisse des personnes énumérées à l'article 14 de l'accord, les légalions et consulats de Suisse recevront, pour tous les cas où un visa d'entrée est nécessaire, l'instruction générale et préalable d'accorder un tel visa sur production du passeport ou d'un autre titre équivalent d'identité et de voyage, ainsi que d'une pièce suffisant à établir la qualité du requérant à l'égard de l'Organisation internationale du Travail.

2. Les légalions et consulats de Suisse auront pour instruction de délivrer le visa sans retard ou délai, et sans exiger la présence personnelle du requérant, ni l'acquittement des taxes.

3. Les dispositions de l'article 14 de l'accord et du présent article s'appliqueront, dans des conditions analogues, à la femme et aux enfants de l'intéressé, s'ils vivent avec lui et sont sans profession.

Article 8

Carte d'identité

Le Département politique fédéral remet au Bureau international du Travail, à l'intention de chaque fonctionnaire, une carte d'identité munie de la photographie du titulaire. Cette carte, authentifiée par le Département politique fédéral et le Bureau international du Travail, servira à la légitimation du fonctionnaire à l'égard de toute autorité fédérale, cantonale ou communale.

Article 9

Facilités accordées aux fonctionnaires non suisses

Les fonctionnaires du Bureau international du Travail qui n'ont pas la nationalité suisse bénéficient des exemptions et facilités suivantes:

a) Exemptions de tous droits de douane, de statistique, de droits à l'importation, pour tous les objets, usagés ou neufs, que le fonctionnaire apporte avec lui lors de sa première installation en Suisse ou lors de son retour en Suisse après une absence minimum de trois ans;
b) Exemptions des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques accrédités auprès du Conseil fédéral;

c) En cas de crise internationale, facilités de rapatriement pour les fonctionnaires et les membres de leur famille, identiques à celles accordées aux membres de missions diplomatiques accréditées auprès du Conseil fédéral;

d) Exonération des impôts fédéraux, cantonaux et communaux conformément aux usages établis pour le personnel non suisse des institutions internationales à Genève;

e) Exemptions, sur demande du Directeur du Bureau international du Travail, des droits de douane sur les voitures automobiles importées, étant entendu que cette facilité peut être exercée au maximum une fois tous les trois ans et que les droits de douane seront dus au cas où la voiture serait vendue ou cédée à une personne non bénéficiaire de l’exemption, avant l’expiration d’un délai établi d’un commun accord entre le Conseil fédéral suisse et le Bureau international du Travail;

f) La visite en douane des bagages sera, comme à l’égard des membres du corps diplomatique, réduite au strict minimum.

**Article 10**

*Service militaire*

1. Le Directeur du Bureau international du Travail communiquera au Conseil fédéral suisse la liste des fonctionnaires de nationalité suisse astreints à des obligations de caractère militaire.

2. Le Directeur du Bureau international du Travail et le Conseil fédéral suisse établiront, d’un commun accord, une liste restreinte de fonctionnaires de nationalité suisse qui, en raison de leurs fonctions, bénéficieront de dispenses.

3. En cas de mobilisation d’autres fonctionnaires suisses, le Bureau international du Travail aura la possibilité de solliciter, par l’entremise du Département politique fédéral, un sursis d’appel ou toutes autres mesures appropriées.

**Article 11**

*Passeport diplomatique*

Les fonctionnaires de nationalité suisse appartenant aux catégories déterminées d’un commun accord par le Directeur du Bureau international du Travail et par le Conseil fédéral suisse et qui se rendent en mission ou résident à l’étranger du fait de leurs fonctions, auront droit à un passeport diplomatique émis par le Département politique fédéral.

**Article 12**

*Caisse des pensions, etc.*

1. Toutes prestations en capital dues par la Caisse des pensions ou toute autre institution de prévoyance sociale à des agents, fonctionnaires ou employés de l’Organisation internationale du Travail, en quelque circonstance que ce soit — échéance des services, interruption des services, suspension, — seront, au moment de leur versement, exemptés en Suisse de tous impôts quelconques sur le capital et le revenu.
2. Il en sera de même à l'égard de toutes les prestations qui pourraient être versées à des agents, fonctionnaires ou employés de l'Organisation internationale du Travail à titre d'indemnité à la suite de maladie, accidents, etc.

**Article 13**

*Timbres-poste*

1. Les autorités fédérales suisses émettront des timbres spéciaux pour les services de l'Organisation internationale du Travail dans les limites autorisées par les conventions de l'Union postale universelle.

2. Les arrangements intervenus à cet égard resteront en vigueur à moins qu'ils ne soient modifiés d'un commun accord.

**Article 14**

*Entrée en vigueur*

1. Le présent arrangement entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et le Conseil d'administration du Bureau international du Travail.


**Article 15**

*Modification de l'arrangement*

1. Le présent arrangement peut être revisé à la demande de l'une ou l'autre partie.

2. Dans cette éventualité, les deux parties se concerteront sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent arrangement.

3. Au cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'arrangement pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

**Déclaration des représentants du département politique fédéral et du Département fédéral de l'économie publique**

Au moment de signer le procès-verbal, les représentants du Département politique fédéral et du Département fédéral de l'économie publique déclarent:

1) Qu'ils proposeront au Conseil fédéral de demander à la Banque nationale suisse de prêter ses bons offices dans tous les cas où l'organisation internationale du Travail rencontrerait des difficultés à se procurer les francs suisses dont elle aura besoin pour exercer son activité en Suisse.

2) Que le Conseil fédéral accepte, dès que les circonstances le lui permettront, de remplacer à l'article 27 paragraphe 4 de l'accord les mots « le President de la Cour suprême des Pays-Bas » par « le Président de la Cour internationale de Justice ».

*Signé* Paul Guggenheim
D. Secretan
M. Kaufmann
Échange de notes
confirmant l'entrée en vigueur de l'accord
et de l'arrangement

I

Lettre du Directeur p.i. du Bureau international du Travail
au Chef du Département politique fédéral à Berne

Montréal, le 28 mai 1946

Monsieur le Conseiller fédéral,

J'ai l'honneur et le plaisir de vous informer que l'accord entre le Conseil fédéral suisse et l'Organisation internationale du Travail pour régler le statut juridique de cette Organisation en Suisse, et l'arrangement d'exécution de cet accord, qui sont annexés au procès-verbal adopté et signé le 11 mars 1946 sous la présidence de M. Albert Picot, Conseiller d'État de Genève, en la salle de l'Alabama, à Genève, ont été approuvés par le Conseil d'administration du Bureau international du Travail au cours de sa 98ème session, le 27 mai 1946, à Montréal.

Je vous prie de bien vouloir considérer la présente communication comme l'acceptation formelle, de la part de l'Organisation internationale du Travail, de l'accord et de l'arrangement d'exécution, aux fins de l'article 28 de l'accord et de l'article 14 de l'arrangement d'exécution.

Veuillez agréer, etc.

(Signé) E. J. Phelan
Directeur p.i.

II

Lettre de M. Max Petitpierre, Chef du Département politique fédéral, à Berne,
au Directeur p.i. du Bureau international du Travail

Berne, le 7 juin 1946

Monsieur le Directeur,

J'ai l'honneur d'accuser réception et de vous remercier de la lettre du 28 mai par laquelle vous avez bien voulu me faire savoir que le Conseil d'administration du Bureau international du Travail siégeant à Montréal le 27 mai a approuvé l'accord entre le Conseil fédéral suisse et l'Organisation internationale du Travail et l'arrangement d'exécution de cet accord, qui ont pour but de régler le statut juridique de l'Organisation en Suisse.

De son côté, le Conseil fédéral a approuvé l'accord et l'arrangement d'exécution dans sa séance du 17 avril 1946, de telle sorte que, conformément à l'article 28 de l'accord et à l'article 14 de l'arrangement d'exécution, ces deux textes sont entrés en vigueur à la date du 27 mai.

Étant donné d'autre part que la dissolution de la Société des Nations mentionnée dans les deux articles précités s'est accomplie le 19 avril 1946, je considère que l'accord et l'arrangement d'exécution sont devenus applicables le jour même de leur entrée en vigueur.

Veuillez agréer, etc.

(Signé) Max Petitpierre
7. EXCHANGE OF LETTERS \(^1\) BETWEEN THE DIRECTOR-GENERAL OF THE INTERNATIONAL LABOUR ORGANISATION AND THE MINISTER EXTRAORDINARY AND PLENI-POTENTIARY OF PERU IN SWITZERLAND, CONCERNING THE LEGAL STATUS OF THE ILO FIELD OFFICE FOR LATIN AMERICA AT LIMA, MAY 1954 \(^2\)

6 May 1954
ILO, Geneva

Your Excellency,

I believe that for the purposes of the programme this organization plans to carry out in Latin America in the immediate future, it would be desirable to transfer to Lima the Field Office which the ILO has maintained for some years at Rio de Janeiro.

As your Government has always provided me with the means and facilities necessary to enable me to carry out expressly the tasks entrusted to me, I trust it will also give this proposal sympathetic consideration and will be prepared to accord the Field Office all the facilities and privileges it needs for the efficient performance of its work while it is maintained at Lima.

On receipt of your reply to this letter, all necessary steps will be taken to transfer the Field Office on a date which will be communicated subsequently to your Government.

I have the honour to be, etc.

(Signed) David A. Morse
Director-General

His Excellency
Enrique P. Manchego,
Minister Extraordinary and Plenipotentiary
of Peru in Switzerland,
Berne.

8 May 1954
Peruvian Legation
Berne

Sir,

I am pleased to acknowledge receipt of your letter of 6 May in which you inform me that, in view of the programme which the ILO plans to carry out in Latin America in the near future, you have decided to transfer to Lima the Field Office which the ILO has maintained at Rio de Janeiro for some years, and ask me, in transmitting the information to my Government, to request it to accord the Field Office the facilities and privileges it needs for the efficient performance of its work while it is maintained at Lima.

In reply and in accordance with the instructions I have received from my Government, I have pleasure in informing you of the satisfaction with which the Peruvian Government regards your decision to transfer the Field

\(^1\) Texts of letters provided in Spanish by the International Labour Office. Translation by the Secretariat of the United Nations.

\(^2\) An agreement was signed on 22 June 1960 between the Government of Peru and the ILO. This agreement has not yet entered into force.
Office from Rio de Janeiro to the city of Lima and in further stating that, for as long as the Office is in operation at Lima, the Peruvian Government will accord to it and to the non-Peruvian officials on its staff, the facilities, privileges and immunities laid down in Supreme Decree No. 69 of 18 February of the current year concerning privileges granted by the Government to foreign diplomatic and consular officials and to the officials of international organizations and bodies.

My Government regards your decision as a further indication of your continuing interest in all problems affecting America and of your desire to intensify the activities of the International Labour Office in this region and instructs me to assure you that, as in the past, you may rely on its full support for the continuance of your programme for the benefit of the American peoples.

I have the honour to be, etc.

(Signed) Enrique P. Manchego
Minister

Mr. David A. Morse
Director-General of the
International Labour Organisation,
Geneva.

18 May 1954
ILO, Geneva

Your Excellency,

I have the honour to acknowledge receipt of your letter of 8 May 1954 informing me of the Peruvian Government's consent to my request in connexion with the transfer to Lima of the ILO Field Office for Latin America which has for many years had its headquarters in the cities of São Paulo and Rio de Janeiro.

I have also taken note of your Government's decision to accord to the Field Office and to the non-Peruvian officials on its staff all the facilities, privileges and immunities laid down in Supreme Decree No. 69 of 18 February of the current year.

I shall be pleased to provide you in due course with details concerning the transfer of the Field Office to Lima. Meanwhile I should like to express my satisfaction at the solution reached. I also appreciate the decision of the Peruvian Government to continue to lend its valuable support to the work of the ILO.

I have the honour to be, etc.

(Signed) David A. Morse
Director-General

His Excellency
Enrique P. Manchego,
Minister of Peru in Switzerland,
Peruvian Legation,
Berne.

1 For this Decree, see the previous volume of this Series (ST/LEG/SER.B/10), under Peru.
8. AGREEMENT ¹ BETWEEN THE INTERNATIONAL LABOUR
ORGANISATION AND THE GOVERNMENT OF THE UNITED
STATES OF MEXICO REGARDING THE ESTABLISHMENT
OF A FIELD OFFICE AT MEXICO CITY AND THE PRIVILEGES
AND IMMUNITIES NECESSARY FOR ITS OPERATION.
SIGNED AT MEXICO CITY, ON 5 JANUARY 1955 ²

The Government of the United States of Mexico (hereinafter referred to
as "the Government"), represented by Mr. Adolfo López Mateos, Minister
of Labour and Social Security, of the first part, and
The International Labour Office (hereinafter referred to as "the Office"),
represented by Mr. Luis Alvarado, Assistant Director-General of the Inter-
national Labour Office, of the second part,
Hereby agree as follows:

Article I

ESTABLISHMENT AND FUNCTIONS OF THE FIELD OFFICE

The Government authorises the Office to establish a Field Office at
Mexico City. Its functions shall be to furnish, at the request of the Govern-
ments concerned, technical assistance coming within the scope of the
activities of the International Labour Organisation, as defined by its Con-
stitution, and technical assistance in conformity with the principles governing
the Expanded Technical Assistance Programme of the United Nations and
its specialised agencies.

Article II

SCOPE

The scope of the activity of the Field Office shall extend to Mexico, the
Republics of Central America and of the Caribbean area and any other
Republics which may be added for reasons of practical convenience. The
Director-General will inform the Mexican Government in advance of any
addition or any other change affecting the scope of activity of the Field
Office.

Article III

JURIDICAL PERSONALITY

The Field Office shall possess juridical personality. It shall have the
capacity

(a) To contract;
(b) To acquire and dispose of movable property;
(c) To institute legal proceedings.

² Came into force on 5 January 1955, as from the date of signature, in accor-
dance with article VI.
Article IV

PROPERTY

The Field Office and its property and assets shall enjoy immunity from legal process except in so far as in any particular case the Office has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

The premises of the Field Office and its archives shall be inviolable and its official correspondence and communications shall not be subject to any censorship.

The Field Office may freely hold funds or currency of any kind and operate accounts in any currency; it may freely transfer these funds or currency from Mexico to other countries and vice versa and within the territory of Mexico, and convert any currency held by it into any other currency.

The Field Office, its assets, income and other movable property shall be exempt:

(a) From taxes; it is understood, however, that it 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 and exports in respect of articles imported or exported by the Field Office for its official use; it is understood, however, that articles imported under such exemption will not be sold in Mexican territory except under conditions agreed to with the Government;

(c) From customs duties and prohibitions and restrictions on imports and exports in respect of its publications and those which it may receive from the International Labour Office.

Article V

STATUS OF THE STAFF

The staff of the Field Office shall be immune from legal process in respect of acts performed by them in their official capacity.

Those members of the staff of the Field Office who are not of Mexican nationality shall be exempt from all taxation on the salaries and emoluments which they receive from the International Labour Office and shall also have the right to import free of duty their furniture and personal effects at the time of first taking up their posts in Mexico.

In addition to the immunities and privileges for which provision is made herein, the Director of the Field Office and those officials from the grade of Member of Division upwards who are on the establishment of the Field Office and are not of Mexican nationality shall have such privileges, exemptions and facilities as are accorded in international law and practice and are compatible with Mexican legislation.

In the exercise of all the rights conferred on it under the foregoing provisions, the Office shall have due regard to any representation made by the Government of Mexico.

The privileges and immunities for which provision is made in this Agreement are granted for the purpose of carrying into effect the aims of the International Labour Organisation and not for the personal benefit of its officials. The Director-General of the Office shall have the right and the duty to waive the immunity of any official in any case where such immunity
would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

Article VI

Final Provisions

1. This Agreement shall enter into force on the date of its signature.


Whereas the Government of the Republic of Turkey (hereinafter referred to as "the Government") has suggested that the Manpower Field Office which the International Labour Office (hereinafter referred to as "the Office") has decided to open for the countries of the Near and Middle East, be established in Istanbul, and the Office has accepted the suggestion, and

Whereas the Government has further informed the Office of its readiness to grant all facilities to the said Manpower Field Office in its work,

The Government and the Office have entered into this Agreement through their undersigned duly authorised representatives.

Article 1

The Office will set up in Istanbul a Manpower Field Office for the countries of the Near and Middle East to deal with problems related to manpower in general. The activities of the Field Office may include the following:

Article 2

Pending the ratification by the Grand National Assembly of Turkey of the Convention on the Privileges and Immunities of the Specialised Agencies, the Government undertakes to grant to the Manpower Field Office in Istanbul and to its staff appointed by the Office privileges and immunities in accordance with the provisions of the Act No. 5598 of 15 March 1950 concerning the ratification of the Convention on the Privileges and Immunities of the United Nations.

1 Text of Agreement provided by the International Labour Office.
Article 3

The Government undertakes to provide the Manpower Field Office in Istanbul with a suitable office building and necessary telephone, electricity and water installations within the building, as well as such part of office furniture as it may deem appropriate, it being understood that all other costs of the operation of the Manpower Field Office shall be borne by the Office.

Article 4

The Office shall be free, at its discretion, to transfer the Manpower Field Office from Turkey to any other country or altogether to wind up the Field Office. In case of such transfer or winding up, however, the Office shall give the Government three months' notice thereof and shall return to the Government, as they stand, the building and the furniture placed at its disposal in accordance with Article 3 above.

10. AGREEMENT 1 BETWEEN THE INTERNATIONAL LABOUR OFFICE AND THE GOVERNMENT OF THE FEDERATION OF NIGERIA CONCERNING THE ESTABLISHMENT OF AN AFRICAN FIELD OFFICE IN LAGOS. SIGNED AT LAGOS, ON 14 JANUARY 1959 2

Whereas the International Labour Organisation has decided to establish an African Field Office; and

Whereas it has been considered appropriate to set up that Field Office in Nigeria;

Whereas the Government of the Federation of Nigeria (hereinafter referred to as "the Government") has informed the International Labour Office of its readiness to grant all facilities to the African Field Office;

The Government of the Federation of Nigeria, being authorised in that behalf by Her Majesty's Government in the United Kingdom, and the International Labour Office have entered into this Agreement through their undersigned duly authorised representatives.

Article 1

The Government will welcome the establishment of the African Field Office of the International Labour Organisation at Lagos and will afford every assistance within its power in securing the necessary facilities for its establishment.

1 Text of Agreement provided by the International Labour Office.
2 Came into force on 14 January 1959, as from the date of signature, in accordance with article 5.
Article 3

The Government shall grant to the Field Office and to its staff the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialised Agencies.

Article 4

The Government shall afford the International Labour Office every assistance within its power in securing appropriate office accommodation and necessary telephone, electricity and water installations.

Article 5

1. This Agreement shall come into force immediately on signature by the representatives of both parties.

2. The Agreement will remain in force while the African Field Office remains established in Lagos.

3. The Agreement may be modified by mutual consent. Each party shall give full and sympathetic consideration to any request for such modification.

In witness whereof the undersigned, duly authorised representatives of the Government of the Federation of Nigeria and the International Labour Office respectively, have, on behalf of the Parties, signed the present Agreement at Lagos this 14th day of January, 1959, in two copies in the English language.

11. CONVENTION ON INTERNATIONAL CIVIL AVIATION, OPENED FOR SIGNATURE AT CHICAGO, 7 DECEMBER 1944 1 2

Article 47

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

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2 States which are parties (up to 1 January 1960): Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of).
12. ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD 1 ENTRE L’ORGANISATION PROVISOIRE DE L’AVIATION CIVILE INTERNATIONALE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE RELATIF AUX PRIVILÈGES ET IMMUNITÉS. PARIS, 28 FÉVRIER ET 14 MARS 1947 2

I

Lettre du Gouvernement de la République française

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
SECRÉTARIAT DES CONFÉRENCES

Paris, le 28 février 1947

Monsieur le Directeur,

J’ai l’honneur de vous adresser ci-joint un projet d’accord entre le Gouvernement français et l’Organisation provisoire de l’aviation civile internationale.

Les représentants des services compétents du Gouvernement ont été appelés à examiner le projet rédigé par les soins de l’OPACI. Cette étude les a conduits à établir un second projet qui, tout en respectant dans leur ensemble les dispositions essentielles de votre projet d’accord, comporte certaines modifications destinées à le rendre plus conforme avec la terminologie juridique ainsi qu’avec la législation française en vigueur.

Afin de faciliter l’installation à Paris de l’Office régional pour la zone Europe-Méditerranée, le Gouvernement français est disposé à accorder immédiatement à l’OPACI le bénéfice des dispositions du projet d’accord ci-joint.

Je vous serais donc obligé de me faire savoir si ces dispositions ne soulèvent pas d’objection de votre part. Si tel est le cas, celles-ci pourraient dès maintenant être appliquées.

Il va sans dire que cet échange de lettres laisserait entièrement ouvertes les possibilités de négociations qui pourraient à ce sujet intervenir ultérieurement entre le Gouvernement français et la future Organisation permanente de l’aviation civile internationale.

Je vous prie d’agréer, Monsieur le Directeur, l’assurance de ma considération la plus distinguée.

(Signé) FOUQUES-DUPARC

Monsieur le Représentant de l’OPACI à Paris
70, avenue d’Iéna

ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET L’ORGANISATION PROVISOIRE DE L’AVIATION CIVILE INTERNATIONALE

En vue d’assurer à l’Organisation provisoire de l’aviation civile internationale, et notamment à son Office régional pour la zone Europe-Médit-

2 Entré en vigueur le 14 mars 1947, par l’échange desdites lettres. Un accord à peu prés identique a été conclu entre cette Organisation et le Gouvernement du Pérou, en date du 22 octobre 1948 (ibid., vol. 95, p. 3).
terranée, les privilèges, immunités et facilités indispensables à son fonctionnement sur le territoire français.

Le Gouvernement de la République française et l’Organisation provisoire de l’aviation civile internationale

Sont convenus des dispositions suivantes:

**Article premier.** — L’Organisation de l’aviation civile internationale a la personnalité civile.

Pour atteindre ses buts et s’acquitter de ses fonctions elle jouit de la capacité:

a) de contracter,

b) d’acquérir et d’aliéner des biens immobiliers et mobiliers,

c) d’ester en justice.

**Article 2.** — L’Organisation jouit de l’immunité de juridiction. Aucune action ne peut être intentée contre elle en justice, sauf si elle renonce expressément à cette immunité pour une instance particulière ou si cette renonciation résulte des clauses d’un contrat.

**Article 3.** — Les locaux où l’Organisation exerce son activité ainsi que les archives et, d’une manière générale, tous les documents lui appartenant ou détenus par elle sont inviolables.

Toutefois, l’Organisation ne permettra pas que l’immeuble serve de refuge à une personne contre laquelle un mandat de justice aura été lancé par les autorités françaises.

**Article 4.** — Les biens appartenant à l’Organisation sont insaisissables. Ils ne peuvent faire l’objet de mesures de réquisition.

Ils ne peuvent non plus faire l’objet de mesures d’expropriation si ce n’est pour cause d’utilité publique et après accord entre l’Organisation et le Gouvernement.

**Article 5.** — Nonobstant tout contrôle, réglementation ou moratoire financier de quelque nature que ce soit, l’Organisation provisoire de l’aviation civile internationale peut recevoir toutes sommes et valeurs quelconques, libellées dans quelque monnaie que ce soit et en disposer librement.

**Article 6.** — L’Organisation est exonérée du versement de tout impôt direct. Toutefois, elle acquitte les taxes pour services rendus.

L’Organisation est exonérée de tous droits et taxes perçus par l’administration des douanes sur les objets importés par elle pour son usage officiel ainsi que sur les publications, films cinématographiques, vues fixes, documents photographiques qu’elle édite et le papier qu’elle pourra importer en France.

Il est entendu toutefois que les objets importés en franchise ne seront pas vendus sur le territoire français à moins que ce ne soit à des conditions qui auront fait l’objet d’un accord avec les autorités françaises.

**Article 7.** — L’Organisation acquittera dans les conditions du droit commun les taxes indirectes qui entrent dans le prix des marchandises vendues.

**Article 8.** — Le Gouvernement français accorde à l’Organisation, pour ses liaisons postales, téléphoniques, télégraphiques, radiotéléphoniques, radio-
télégraphiques et radiotéléphotographiques un traitement au moins aussi favorable que celui qu’il accorde ou peut accorder aux représentations diplomatiques accréditées auprès de lui, notamment en ce qui concerne les affranchissements, tarifs et taxes postaux, les priorités de correspondance, l’usage d’un chiffre.

Il facilitera, par tous moyens, les communications que le Directeur de l’Office régional à Paris et ses principaux collaborateurs peuvent être amenés à faire par la voie de la presse et de la radio.

Les correspondances et communications de l’Organisation ne pourront être retardées sauf en cas de force majeure.


Bénéficient des facilités, privilèges et immunités prévus au paragraphe précédent, les représentants des États membres et leurs suppléants, ainsi que les conseillers, conseillers techniques et experts.

Article 10. — Tous fonctionnaires de l’Organisation:

1) Jouiront de l’immunité à l’égard de toute action judiciaire pour les actes accomplis dans l’exercice de leurs fonctions;

2) Seront exonérés de tout impôt direct sur les traitements et émoluments qui leur seront versés par l’Organisation;

3) Ne seront pas soumis, non plus que leurs conjoints et enfants mineurs, aux dispositions de droit commun fixées par la législation relative aux étrangers;

4) Jouiront, en ce qui concerne le change, des mêmes facilités que celles qui sont accordées aux membres des représentations diplomatiques accréditées auprès du Gouvernement français;

5) Jouiront, ainsi que leurs conjoints et enfants mineurs, des mêmes facilités de rapatriement que celles qui sont accordées aux membres des représentations diplomatiques accréditées auprès du Gouvernement français, en période de tension internationale.


Article 12. — Ces privilèges et immunités sont accordés aux fonctionnaires dans l’intérêt de l’Organisation et non pour leur assurer un avantage personnel. Le Directeur pourra consentir à la levée de l’immunité accordée à
un fonctionnaire si, à son avis, on peut la lever sans porter préjudice aux intérêts de l'Organisation.

**Article 13.** — Le Gouvernement français prendra les mesures nécessaires pour assurer à tout moment, entre le siège de l'Organisation et les frontières du territoire,
La circulation des personnes appelées à participer aux travaux de l'Organisation ou invitées par elle,
L'acheminement de la correspondance et des télégrammes;
Et le transport des marchandises destinées à l'Organisation.

**Article 14.** — L'Organisation et le Gouvernement français détermineront d'un commun accord la procédure et les conditions selon lesquelles l'accès ou la sortie du territoire français, le séjour en territoire français et le transit à travers le territoire français seront facilités à tout moment aux personnes appelées à participer aux travaux de l'Organisation ou invitées par elle.

**Article 15.** — Sous réserve de ne point porter atteinte à l'indépendance et au bon fonctionnement de l'Organisation, le Gouvernement français peut prendre toute mesure de précautions indispensables à la sécurité nationale.

**Article 16.** — L'Organisation bénéficiera, dans l'immeuble qui est mis à sa disposition, de la fourniture de l'électricité, de l'eau et du gaz ainsi que des services de voirie.
En cas de force majeure entraînant une interruption partielle ou totale de ces services, les besoins de l'Organisation seront considérés par le Gouvernement français comme étant de même importance que ceux de ses propres administrations.

**Article 17.** — Le Gouvernement français prendra les mesures de police nécessaires à la protection du siège de l'Organisation et au maintien de l'ordre dans son voisinage immédiat.
Sur la demande du Directeur général, le Gouvernement français fournira les forces de police qui pourraient être nécessaires au maintien de l'ordre à l'intérieur de l'immeuble.

**Article 18.** — L'Organisation coopérera constamment avec les autorités françaises compétentes en vue de faciliter la bonne administration de la justice, d'assurer l'exécution des règlements de police et d'éviter tout abus auquel pourraient donner lieu les immunités et facilités prévues dans le présent accord.

**Article 19.** — L'Organisation prendra des dispositions prévoyant des modes de règlement appropriés pour:
1) Les différends résultant de contrats ou autres différends de droit privé dans lesquels l'Organisation serait partie;
2) Les différends dans lesquels serait impliqué un fonctionnaire de l'Organisation qui, du fait de sa situation officielle, jouit de l'immunité, si cette immunité n'a pas été levée par le secrétaire exécutif.

**Article 20.** — Tout désaccord survenant entre le Directeur Général et le Gouvernement français sur l'interprétation ou l'application du présent arrangement provisoire, ou de toute convention ou accord complémentaire qui ne serait pas réglé par voie de négociation, sera soumis à la décision d'un
arbitre désigné d'un commun accord ou, faute d'accord à cet effet, désigné par le président de la Cour internationale de Justice.

**Article 21.** — Le présent accord est conclu pour une période indéterminée. Il entrera en vigueur au moment où, ayant été approuvé par le Conseil de l'Organisation provisoire de l'aviation civile internationale et par le Gouvernement français, il sera signé par le Secrétaire général de l'Organisation ou son Représentant à Paris, d'une part, et par un Représentant dûment mandaté du Gouvernement français, d'autre part.

Il restera en vigueur après l'établissement de l'Organisation permanente de l'aviation civile internationale, en vertu de la Convention en date à Chicago du 7 décembre 1944.

**Article 22.** — Le présent accord est sujet à révision, à la demande de l'une ou l'autre partie, qui se concertent et s'entendent quant aux modifications éventuelles à y apporter.

II

**Lettre du représentant de l'OPACI à Paris**

LE REPRÉSENTANT DE L'OPACI À PARIS

Paris, 14 mars 1947

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de la lettre en date du 28 février 1947 par laquelle vous avez bien voulu m'adresser le projet d'accord entre le Gouvernement français et l'Organisation provisoire de l'aviation civile internationale, projet rédigé par les soins de vos services.

C'est avec une grande satisfaction que nous avons pris connaissance de ce texte. Le Gouvernement français, afin de faciliter l'installation de l'Office régional pour la zone Europe-Méditerranée à Paris, étant disposé à lui accorder immédiatement le bénéfice de toutes les dispositions de ce Projet d'accord, j'ai l'honneur de donner mon plein et entier agrément à la solution que vous me proposez.

En outre, je suis dès maintenant autorisé par le Conseil de l'Organisation provisoire de l'aviation civile internationale, à signer l'accord qui, conformément à l'Article 21, restera en vigueur après l'établissement — en vertu de la Convention signée à Chicago le 7 décembre 1944 — de l'Organisation permanente de l'aviation civile internationale.

Et, comme vous avez bien voulu le préciser, il est entendu que cet échange de lettres laisse entièrement ouverte la possibilité de négociations qui pourront intervenir ultérieurement à ce sujet entre, d'une part, le Gouvernement français et, d'autre part, l'Organisation de l'aviation civile internationale une fois qu'elle aura été constituée.

Je vous prie d' agréer, Monsieur le Ministre, les assurances de ma haute considération.

(Signé) Bedin

Monsieur le Ministre des affaires étrangères
Secrétariat des conférences

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The International Civil Aviation Organization and the Government of Canada,

Desiring to conclude an Agreement on privileges, immunities and facilities by reason of the location in the territory of Canada of the Headquarters of the International Civil Aviation Organization,

Have appointed as their Representatives for this purpose:

The International Civil Aviation Organization:
Edward Warner, President of the Council of the Organization

and

The Government of Canada:
Lester Bowles Pearson, Secretary of State for External Affairs

Who have agreed as follows:

Article I

Definitions

Section 1

In this Agreement:

(a) The expression "Organization" means the International Civil Aviation Organization, set up under Article 43 of the Convention on International Civil Aviation, signed at Chicago on December 7, 1944;

(b) The expression "headquarters premises" means any building or part of a building occupied permanently or temporarily by any unit of the Organization or by meetings convened in Canada by the Organization, including the offices occupied by resident Representatives of Member States;

(c) For the purpose of Article II of this Agreement, the word "assets" shall also include funds administered by the Organization in furtherance of its constitutional functions;

(d) The expression "Convention" means the General Convention on Privileges and Immunities of the United Nations, as acceded to by Canada;

(e) The expression "Member States" means the States which are parties to the Convention on International Civil Aviation;

(f) The expression "Representatives of Members" means representatives of States that are members of the International Civil Aviation Organ-

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2 Came into force on 1 May 1951, by an exchange of notes in accordance with article IX, section 41.
ization and shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations, which secretaries include the equivalent of third secretaries of diplomatic mission but not the clerical staff;

(g) The expression “Senior Officials” shall be deemed to include the following officials of the Organization:

(i) The President of the Council;
(ii) The Secretary-General;
(iii) The Deputy Secretary-General;
(iv) The Assistant Secretaries-General.

Article II

The Organization

Section 2

The Organization shall possess juridical personality. It shall have the legal capacities of a body corporate, including the capacity:

(a) To contract;
(b) To acquire and dispose of immovable and movable property; and
(c) To institute legal proceedings.

Section 3

The Organization, its property and its 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 the Organization may expressly waive this immunity for the purpose of any proceedings or by the terms of any contract. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 4

(1) The headquarters premises of the Organization shall be inviolable.

(2) The property and assets of the Organization, 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, except with the consent of and under the conditions agreed to by the Secretary-General of the Organization. This section shall not prevent the reasonable application of fire protection regulations.

(3) The Organization shall, however, prevent the headquarters premises from becoming a refuge either for persons who are avoiding arrest or for persons who are endeavouring to avoid service or execution of legal process.

Section 5

The archives of the Organization, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 6

The Organization, its assets, income and property, owned or occupied in Canada, shall be:
(a) Exempt from all direct taxes; it is understood, however, that the Organization 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 Organization for its official use; it is understood, however, that articles imported under such exemption will not be sold in Canada except under conditions agreed with the Government of Canada;

(c) Exempt from any prohibition or restriction on import, export or sale of its publications and exempt from customs duties and excise taxes in respect thereof.

Section 7

When goods are purchased under appropriate certificates from manufacturers or wholesalers who are licenced under the Excise Tax Act, the Organization should be eligible to claim for the remission or refund of the Excise tax and/or Consumption or Sales tax for goods imported or purchased in Canada for the official use of the Organization as a body, provided, however, that any article which is exempted from these taxes, other than publications of the Organization, shall be subject thereto at existing rates if sold or otherwise disposed of within a period of one year from the date of purchase, and the vendor shall be liable for such tax.

Section 8

The Organization may hold funds, gold or currency, of any kind and operate accounts in any currency and it shall be free to transfer its funds, gold or currency, from one country to another or within Canada and to convert any currency held by it into any other currency. However, the Organization shall acquire Canadian dollars in exchange for foreign currencies only through an authorized dealer of the Foreign Exchange Control Board. The Organization, in exercising the rights provided in this Section, shall pay due regard to any representations made by the Government of Canada in so far as it is considered that effect can be given to such representations without detriment to the interests of the Organization.

Section 9

The Organization shall enjoy in the territory of Canada for its official communications treatment not less favourable than that accorded by the Government of Canada to any foreign government including its diplomatic mission in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio.

Section 10

No censorship shall be applied to the official correspondence and other official communications of the Organization. The Organization 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. Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Organization and the Government of Canada.
Section 11

(1) Any aircraft owned, operated or chartered by the Organization, by Representatives of Members or by officials of the Organization, when used on official business or for or in connection with official meetings of the Organization, does not need prior permission for entry into or departure from Canadian territory, provided that notice be given to appropriate Canadian aeronautical authorities, and provided that any aircraft used will be subject to the standard Air Traffic Rules and Procedures and Air Regulations of Canada when operating within the territorial limits of Canada.

(2) In the event that the Organization should find it necessary and desirable to establish or operate an aerodrome, or maintain on a Canadian aerodrome aircraft for its use or for the use of the Representatives of Members or of officials of the Organization, the conditions for the location, use and operation of such an aerodrome, the conditions for the maintenance of aircraft on a Canadian aerodrome and the conditions under which there shall be entry into and exit therefrom, shall be the subject of a supplementary agreement.

Article III

Representatives of Members

Section 12

Except in so far as in any particular case any privilege or immunity is waived by the Member States whom they represent, Representatives of Members, while exercising their functions and during their journey to and from the place of meeting, shall 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; this immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer the Representatives of Members;

(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 and relatives dependent on them from immigration restrictions, aliens registration or national service obligations;

(e) The same facilities in respect of currency or exchange restrictions as are accorded to diplomatic envoys;

(f) The privilege of exemption (in respect of themselves and their families) from examination of baggage and other effects and admission thereof free of duty and taxes;

(g) The privilege of admission of articles for their personal or family use free of duty and taxes at all times, provided that any article which was exempted from duty and taxes shall be subject thereto at the existing rates if sold or otherwise disposed of in Canada within a period of one year in the case of articles other than motor vehicles, and two years in the case of motor vehicles, from the date of acquisition and the vendor shall be liable for such duties and taxes;
(h) The privilege of exemption from excise duty imposed under the Excise Act on domestic spirits and tobacco purchases from licensed manufacturers in Canada;

(i) The privilege of exemption from excise and/or sales tax on domestic spirits, wine and tobacco products when purchased direct from licensed manufacturers for the personal use of the applicant, and on automobiles, ale, beer and stout when purchased under appropriate certificate from licensed manufacturers, provided that any article which was exempted from these taxes shall be subject thereto at the existing rates if sold or otherwise disposed of within a period of one year from the date of purchase and the vendor shall be liable for such tax;

(j) Exemption from federal income tax as the Government of Canada accords to diplomatic envoys.

Section 13

Where the incidence of any form of taxation depends upon residence, periods during which the Representatives of Members are present in Canada 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 connection with the Organization. Consequently a Member State 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 State 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

No person shall be entitled to the provisions of Section 12 unless and until the name and status of this person shall have been duly notified to the Secretary of State for External Affairs as a Representative of a Member State.

Section 16

At the end of their missions no impediment, including taxation or restriction of exchange, shall be imposed to repatriation to foreign countries of assets held in the territory of Canada by Representatives of Members and their families.

Section 17

The provisions of Sections 12, 13 and 16 shall not apply to a Representative of Canada or to any Canadian citizen residing or ordinarily resident in Canada.

Section 18

The Government of Canada shall not levy death taxes or succession duties on or in respect of property acquired for or incidental to residence in Canada by deceased Representatives of Members who were not Canadian citizens at the date of death. The Government of Canada shall make no impediment to repatriation of such tax and duty-free property.
Article IV

OFFICIALS OF THE ORGANIZATION

Section 19

The President of the Council and the Secretary-General of the Organization shall be accorded, in respect of themselves, their spouses and minor children, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys in Canada.

Section 20

Except in so far as in any particular case any privilege or immunity is waived by the Organization, the Senior Officials, other than those specified in Section 19 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 immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens registration or national service obligations;

(c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(d) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions in Canada;

(e) Be exempt from taxation on the salaries and emoluments paid to them by the Organization;

(f) Enjoy the privilege of exemption in respect of themselves and families from examination of baggage and other effects and admission thereof free of duty and taxes;

(g) Enjoy the privilege of admission of articles for their personal or family use free of duty and taxes at all times, provided that any article which was exempted from duty and taxes shall be subject thereto at the existing rates if sold or otherwise disposed of in Canada within a period of one year in the case of articles other than motor vehicles, and two years in the case of motor vehicles, from the date of acquisition and the vendor shall be liable for such duties and taxes;

(h) Be eligible to claim for the exemption from excise duty imposed under the Excise Act on domestic spirits and tobacco purchased from licensed manufacturers in Canada;

(i) Be eligible to claim exemption from excise and/or sales tax on domestic spirits, wine and tobacco products when purchased direct from licensed manufacturers for the personal use of the applicant, and on automobiles, ale, beer and stout when purchased under appropriate certificate from licensed manufacturers, provided that any article which was exempted from these existing rates if sold or otherwise disposed of within a period of one year from the date of purchase and the vendor shall be liable for such tax.

Section 21

The Government of Canada shall not levy death taxes or succession duties on or in respect of property acquired for or incidental to residence in Canada
by deceased Senior Officials who were not Canadian citizens at date of
death. The Government of Canada shall make no impediment to the
repatriation of such tax and duty-free property.

Section 22

Except in so far as in any particular case any privilege or immunity is
waived by the Secretary-General of the Organization, other officials 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 immune, together with their spouses and relatives dependent on
them, from immigration restrictions and aliens registration;

(c) Be immune from national service obligations;

(d) Be given, together with their spouses and relatives dependent on
them, the same repatriation facilities in time of international crisis as
diplomatic envoys;

(e) Be accorded the same privileges in respect of exchange facilities as
are accorded to officials of comparable ranks forming part of diplomatic
missions in Canada;

(f) Have the right to import free of duty their furniture and effects,
including motor vehicles but not including spirituous liquors, at the time
of first taking up their post in Canada;

(g) Be exempt from taxation on the salaries and emoluments paid to
them by the Organization.

Section 23

At the termination of their employment no impediment, including taxation
or restriction of exchange, shall be imposed to repatriation to foreign coun-
tries of assets held in the territory of Canada by officials and their families.

Section 24

The provisions of Sections 19, 20 (d) - (i) inclusive, 22 (e) - (g) inclusive and
23 shall not apply to any Canadian citizen residing or ordinarily resident
in Canada. Moreover, an official of the Organization who is or becomes a
resident of Canada upon retirement will not enjoy exemption from taxation
on the pension which may be paid to him by the Organization.

Section 25

Privileges and immunities have been granted to officials in the interests
of the Organization and not for the personal benefit of the individuals them-
sethemselves. The Secretary-General of the Organization shall have the right and
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 Organization. In the case of the
President of the Council and the Secretary-General of the Organization,
the Council of the Organization shall have the right to waive the immunity.

Section 26

The Secretary-General of the Organization shall specify the categories of
officials to whom the provisions of Section 22 shall apply. He shall submit
these categories to the Secretary of State for External Affairs for his con-
currence. The names of the officials included in these categories shall be
notified to the Secretary of State for External Affairs.
Article V
OTHER ENTRY FACILITIES
Section 27
The Government of Canada shall permit and facilitate the entry into Canada of:
(a) Representatives of the press, or of radio, film or other information agencies who have been accredited to the Organization after consultation with the Government of Canada;
(b) Representatives of the United Nations or of Specialized Agencies required to attend the headquarters premises on official business.

Article VI
ABUSE OF PRIVILEGES
Section 28
If the Government of Canada considers that there has been an abuse of privilege or immunity conferred by this Agreement, consultations will be held between the Government of Canada and the Organization to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the Government of Canada and to the Organization, the question as to whether an abuse of privilege or immunity has occurred shall be submitted to the International Court of Justice. If the International Court of Justice finds that such an abuse has occurred, the Government of Canada shall have the right, after notification to the Organization, to withhold the benefits of the privilege or immunity so abused.

Section 29
The Government of Canada may not require Representatives of Members or officials to leave the country on account of any activities performed by them in their official capacity. In the case, however, of the abuse of privileges of residence by these persons resulting from activities outside their official functions, the Government of Canada may require any such person to leave provided that:
(a) Representatives of Members and Senior Officials shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to Canada;
(b) Other officials shall not be required to leave the country other than with the approval of the Secretary of State for External Affairs after consultation with the Secretary-General of the Organization; and, if expulsion proceedings are taken, the Secretary-General of the Organization shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted.

Article VII
SETTLEMENT OF DISPUTES
Section 30
The Organization shall make adequate provision for appropriate modes of settlement of:
(a) Disputes arising out of contracts or other disputes of private character to which the Organization is a party;
(b) Disputes involving any official of the Organization if his immunity has not been waived in accordance with Section 25.

Section 31

(1) Any dispute between the Organization and the Government of Canada 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 President of the Council of the Organization, one to be named by the Secretary of State for External Affairs, 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.

(2) The President of the Council of the Organization or the Government of Canada may ask the Assembly of the Organization to request of the International Court of Justice an advisory opinion on any legal question arising in the course of the arbitral 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 VIII

Final Clauses

Section 32

The Government of Canada shall recognize and accept United Nations laissez-passer held by officials of the Organization as valid travel documents.

Section 33

The Government of Canada shall issue, on request, diplomatic visas to Representatives of Members and, as may be appropriate, diplomatic or courtesy visas to Officials of the Organization.

Section 34

This Agreement shall cease to be in force if the seat of the Organization is removed from the territory of Canada, except for such provisions as may be applicable in connection with the orderly termination of the operations of the Organization at its seat in Canada and the disposition of its property therein.

Section 35

This Agreement shall be construed in the light of its primary purpose, that is to enable the Organization at its headquarters in Canada fully and efficiently to discharge its responsibility and fulfil its purposes.

Section 36

This Agreement is subject to revision at the request of either of the Parties, who shall consult each other and mutually agree on any alterations to be made.

The Secretary-General of the Organization may conclude with the Government of Canada supplementary agreements adjusting the provisions of this Agreement so far as this is deemed desirable.

Section 37

In case of interruption or threatened interruption of public services, e.g., telephone, telegraph, transportation, etc., the Government of Canada will
consider the needs of the Organization as being of equal importance with the similar needs of its essential agencies and attempt to ensure that the work of the Organization is not prejudiced.

Section 38

The Organization shall 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 Agreement.

Article IX

Miscellaneous Provisions

Section 39

It is agreed that no form of racial or religious discrimination shall be permitted in the operation of this Agreement.

Section 40

Nothing in this Agreement shall be construed as in any way diminishing, abridging, or weakening the right of the Canadian authorities to safeguard the security of Canada, provided the Organization shall be immediately informed in the event that the Canadian Government shall find it necessary to take any action against any person enumerated in the Agreement.

Section 41

This Agreement shall enter into force in accordance with an Exchange of Notes between the President of the Council and the Representative of the Government of Canada.

14. AGREEMENT \(^1\) BETWEEN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION AND THE GOVERNMENT OF EGYPT REGARDING PRIVILEGES, IMMUNITIES AND FACILITIES IN EGYPTIAN TERRITORY. SIGNED AT CAIRO, ON 27 AUGUST 1953 \(^2\)

The Government of Egypt on the one part and the International Civil Aviation Organization on the other,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the Government of Egypt to the International Civil Aviation Organization, to the representatives of its members and to its experts and officials, in particular with regard to its arrangements in the Middle East Region, and to regulate other related matters,


\(^2\) Came into force on 25 May 1954, in accordance with section 35, having been ratified by the Government of Egypt on 14 April 1954, and adopted by the Council of the International Civil Aviation Organization at the second meeting of its twenty-second session on 25 May 1954.
HAVE AGREED AS FOLLOWS:

Article I

Definitions

Section 1

In this Agreement:

(a) The word “Organization” means the International Civil Aviation Organization, set up under Article 43 of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944;

(b) For the purposes of Article IV the words “property and assets” “funds, notes, coins and securities”, or “assets, income and other property” shall be deemed to include property, assets and funds administered by the Organization under the Convention on International Civil Aviation and/or in furtherance of its constitutional functions;

(c) The expression “Member States” means the States which are parties to the Convention on International Civil Aviation;

(d) The expression “representatives of members” means representatives of States that are members of the International Civil Aviation Organization and shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of Delegations, which secretaries include the equivalent of third secretaries of diplomatic missions but not the clerical staff;

(e) The words “principal or subsidiary organs” shall be deemed to include the Assembly, the Council, the Air Navigation Commission, the Air Transport Committee, any meeting or conference held in the Middle East Region and any of the subdivisions of all such organs as well as the Secretariat and the Regional Office in Cairo;

(f) For the purposes of Sections 4, 6, 16 and 17 the words “freedom of meeting” or “meeting of the Organization” shall be deemed to include all institutional meetings of the principal or subsidiary organs of the Organization as well as all Conferences or Meetings convened by the Organization under the authority or auspices of the Organization in Egypt.

Article II

Juridical Personality

Section 2

The Organization shall possess juridical personality and legal capacity and, in particular, capacity:

(a) To contract;

(b) In conformity with the Egyptian laws to acquire and dispose of immovable and movable property, and

(c) To institute legal proceedings.

Article III

Freedom of Action

Section 3

The Organization and its principal or subsidiary organs shall have in Egypt the independence and freedom of action belonging to an international organization according to international practice.
Section 4

The Organization, its principal or subsidiary organs as well as its members and the representatives of members in their relations with the Organization, shall enjoy in Egypt absolute freedom of meeting, including freedom of discussion and decision.

Article IV

Property, Funds and Assets

Section 5

The Organization and its property and assets located in Egypt shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Secretary-General of the Organization, or the Director of the Middle East Office as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6

(1) The premises of the Organization in Egypt or any premises in Egypt occupied by the Organization in connexion with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in Egypt shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action, except in the case of expropriation for reasons of public utility and against just compensation.

Section 7

The archives of the Organization, and in general all documents belonging to it or held by it in Egypt shall be inviolable.

Section 8

(1) The Organization may receive and hold funds, notes, coins and securities of any kind and may dispose of them freely both within Egypt and in its relations with other countries.

(2) This Section shall also apply to members of the Organization in their relations with the Organization.

Section 9

The Government of Egypt shall provide for the Organization at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in Egypt or other parts of the Middle East Region.

Section 10

In exercising its rights under Sections 8 and 9, the Organization shall pay due regard to any representations made by the Government of Egypt in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 11

The Organization, its assets, income and other property shall be:

(a) Exempt from all direct and indirect taxes. It is understood, however
that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) Exempt from customs duties, prohibitions and restrictions on imports and exports in respect of goods or articles imported or exported by the Organization for its official use. It is understood, however, that such goods or articles imported under such exemption will not be sold or ceded in Egypt except under conditions agreed with the Government of Egypt;

(c) Exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

Section 12
While the Organization will not, as a general rule, in the case of minor purchases, 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 of Egypt shall make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article V

Facilities in Respect of Communications

Section 13
The Organization shall enjoy in Egypt for its official communications, treatment not less favourable than that accorded by the Government of Egypt to any other Government, 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.

Section 14
(1) No censorship shall be applied to the duly authenticated official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

Representatives of Members

Section 15
Representatives of members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization and who are not of Egyptian nationality, shall, while exercising their functions and during their journeys 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 official capacity, immunity from legal process of every kind.

(b) Inviolability for all papers and documents.
The right to use codes and despatch or receive papers or correspondence by courier or in sealed bags.

Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Egyptian territory.

The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official mission.

The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank.

Such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank 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 16

In order to secure for the representatives of members of the Organization at a meeting of the Organization 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 all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 17

If the incidence of any form of taxation depends upon residence in Egypt, periods during which the representatives of members of the Organization are present at a meeting of the Organization in Egypt for the discharge of their duties shall not be considered as periods of residence.

Section 18

Privileges and immunities are accorded to the representatives of members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a member not only has the right, but is under a duty to waive the immunity of its representatives 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. In any such case in which one of the persons designated to serve on it is concerned, the Council of the Organization shall be under the same duty.

Section 19

The Organization will as far as possible communicate in advance to the Government of Egypt a list of the representatives invited to its conferences or meetings.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 20

Experts and consultants other than those under Section 1(d) or officials who come within the scope of Article VI or VIII respectively and who
perform missions for the Organization 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 and 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 Organization.

(b) Inviolability for all papers and documents.

(c) For the purpose of their communication with the Organization, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags.

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Egypt.

(e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official mission.

(f) The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 21

Privileges and immunities are granted to experts in the interests of the Organization 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 experts 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.

Article VIII

Officials

Section 22

The Secretary-General or the Director of the Middle East Office as his duly authorized representative, shall, from time to time, communicate to the Government of Egypt the categories and the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 23

(1) Officials of the Organization, irrespective of nationality, 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 in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Egyptian nationality shall:

(a) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
(b) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Egypt;

(c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(d) Have the right to import free of duty their furniture and effects at the time of taking up their post in Egypt or upon their permanent appointment to it;

(e) Once every three years have the right to import free of duty a motor-car, it being understood that the duty will become payable in the event of the sale or disposal of such motor-car within three years to a person not entitled to this exemption upon its importation.

Section 24

(1) The officials of the Organization shall be exempt from national service obligations in Egypt, provided that, in relation to officials who are Egyptian nationals, such exemption shall be confined to officials whose names have, by reasons of their duties, been placed upon a list completed by the Secretary-General or the Director of the Middle East Office as his duly authorized representative and approved by the Government of Egypt.

(2) Should other officials of the Organization be called up for national service, the Government of Egypt shall, at the request of the Secretary-General or the Director of the Middle East Office as his duly authorized representative, grant as far as possible such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

Section 25

In addition to the immunities and privileges specified in Section 23, the President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Middle East Office and his Deputy 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 and usage.

Section 26

Privileges and immunities are granted to officials in the interests of the Organization 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 Organization.

Article IX

VISAS, PERMITS OF RESIDENCE, UNITED NATIONS LAISSEZ-PASSER AND OTHER FACILITIES

Section 27

(1) The Government of Egypt shall take all measures required to facilitate the entry into, residence in, and departure from Egypt of all persons having official business with the Organization, i.e.:
(a) Representatives of members whatever may be the relations between Egypt and the member concerned.

(b) Experts and consultants on missions for the Organization, irrespective of nationality.

(c) Officials of the Organization.

(d) Other persons, irrespective of nationality, summoned by the Organization.

(2) Any police regulations calculated to restrict the entry of aliens into Egypt or to regulate the conditions of their residence shall not apply to the persons provided for in this Section.

(3) The Government of Egypt shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid passport or any equivalent identity and travel document and of a document establishing his official relationship to the Organization without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this Section shall apply to the spouse and dependants of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 28

The Government of Egypt shall recognize and accept as a valid travel document the United Nations laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the President of the Council of the Organization and the Secretary-General of the United Nations.

Section 29

The President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Middle East Office, the Directors of the Organization and the External Relations Officer travelling on official business of the Organization shall be granted the same facilities as are accorded to diplomatic envoys.

Section 30

(1) The Organization will be supplied, in the premises placed at its disposal, with electricity, water and gas, and with service for the removal of refuse. In a case of force majeure entailing partial or total suspension of these services, the requirements of the Organization will be considered by the Government of Egypt to be of the same importance as those of its own administrations.

(2) The Government of Egypt will ensure the necessary police supervision for the protection of the seat of the Organization and for the maintenance of order in the immediate vicinity thereof. At the request of the Secretary-General, the Government of Egypt will supply such police force as may be necessary to maintain order within the building.
Article X

Security of the Government of Egypt

Section 31

(1) Nothing in the present Agreement shall affect the right of the Egyptian Government to take the precautions necessary for the security of Egypt.

(2) If the Egyptian Government considers it necessary to apply the first paragraph of this Article, it shall approach the Organization as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interest of the Organization.

(3) The Organization shall collaborate with the Egyptian authorities to avoid any prejudice of the security of Egypt resulting from its activity.

Article XI

Co-operation and Settlement of Disputes

Section 32

The Organization shall co-operate at all times with the appropriate authorities of the Government of Egypt 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 provided for under the present Agreement.

Section 33

The Organization 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 Organization is a party;

(b) Disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Secretary-General in accordance with the provisions of Section 26.

Section 34

Any difference between the Organization and the Egyptian Government arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiations shall be submitted for decision to a board of three arbitrators; the first to be appointed by the Egyptian Government, the second by the Secretary-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article XII

Final Provisions

Section 35

The present Agreement shall enter into force as soon as it has been ratified by the Government of Egypt in accordance with its constitutional procedures and adopted by the Council of the Organization.
Section 36

On the coming into force of the present Agreement it will be registered with the Council of the Organization in pursuance of Article 7 of the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements, adopted by the said Council on 1 April 1949 to give effect to Articles 81 and 83 of the Convention on International Civil Aviation, and it will be communicated for further registration to the Secretary-General of the United Nations by the Secretary-General of the Organization in pursuance of Article 1 of the Regulations adopted by the General Assembly of the United Nations on 14 December 1946 to give effect to Article 102 of the Charter of the United Nations.

Section 37

The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice.

In FAITH WHEREOF the present Agreement was done and signed at Cairo, on the 27th day of August 1953, in two copies, in French and in English, the texts in both languages being equally authentic, of which one text was handed to the representatives of the Government of Egypt, and the other to the Secretary-General of the International Civil Aviation Organization.

For the Government of Egypt:
M. FAWZI

For the International Civil Aviation Organization:
D. LEFÈVRE

EXCHANGE OF NOTES

[TRANSLATION — TRADUCTION]

I

MINISTRY OF FOREIGN AFFAIRS
INTERNATIONAL ORGANIZATIONS DEPARTMENT

Cairo, 27 August 1953

Sir,

With reference to the agreement concluded between the Government of Egypt and the International Civil Aviation Organization regarding the privileges, immunities and facilities to be granted to that Organization in Egypt, I have the honour to inform you of the following:

(1) The Organization may, in conformity with section 8, hold and, through normal channels, receive gold in Egypt and transfer it abroad. Nevertheless, the Organization may not transfer from Egypt an amount of gold larger than that introduced.

(2) In conformity with article VIII, the Organization and the Government shall determine by mutual agreement the categories of officials and the nature and scope of the facilities, privileges and immunities to be granted to each category.

(3) The Organization may not, under section 23 (1) (a), claim for members of the staff of the Regional Office in Egypt who are Egyptian nationals, regardless of their grade, immunity from legal process in Criminal Courts of Egypt in respect of words spoken or written and all acts performed by them when such words are not spoken or written or such acts are not performed in the exercise of their official functions.

(4) In invoking the terms of section 27 (2) of the Agreement, the Organization shall refrain from requesting that police regulations should be waived in respect of the persons referred to in section 27 (1) where such regulations are applied pursuant to international health conventions or to similar conventions, agreements or regulations adopted by the World Health Organization.

(5) Notwithstanding the provisions of section 27 and in pursuance of section 31, the Egyptian Government may take all precautions necessary for the security of the country with regard to nationals of countries whose relations with Egypt are not normal.

M. Fawzi
Minister of Foreign Affairs

To the Director-General
of the International Civil Aviation Organization

II

MINISTRY OF FOREIGN AFFAIRS
INTERNATIONAL ORGANIZATIONS DEPARTMENT

Cairo, 27 August 1953

Your Excellency,

Following the conclusion of the Agreement between the Government of Egypt and the International Civil Aviation Organization regarding the privileges, immunities and facilities to be granted to that Organization in Egypt and in reply to your letter of 27 August 1953, I have the honour to communicate to you the following:

(1) I agree that

[See note 1]

D. G. Lefèvre
Director of the Middle East Office

H.E. the Minister of Foreign Affairs


The International Civil Aviation Organization (hereinafter referred to as "the Organization") and the Government of the United Mexican States

1 Spanish text provided by the International Civil Aviation Organization. Translation by the Secretariat of the United Nations.
2 Entered into force upon signature (art. 19).
(hereinafter referred to as "the Government"), guided by the desire that the Organization's Regional Office for North America and the Caribbean should be established at Mexico City, and with a view to facilitating the functioning of the said Office, have agreed as follows:

Article I

JURIDICAL PERSONALITY

Section 1
The Organization shall possess juridical personality and, in particular, capacity:
(a) To contract;
(b) To acquire immovable and movable property (in accordance with the provisions of article 27 of the Constitution of the United Mexican States) and to dispose of such property;
(c) To institute legal proceedings.

Article II

PREMISES

Section 2
The Government shall provide the Organization with offices and appropriate electricity, water and cleaning services, on such terms as may be determined by mutual agreement.

Article III

EXEMPTIONS, IMMUNITIES AND PRIVILEGES

Section 3
The Organization, the representatives of its member States and officials of the Organization serving in Mexico shall enjoy the exemptions, immunities and privileges specified in the following sections of this article.

Section 4
The Organization and its property, goods and assets shall enjoy immunity in Mexico from judicial and administrative process, except in those cases in which such immunity is expressly waived by the Secretary-General of the Organization.

Section 5
The offices, premises, archives and documents of the Organization shall be inviolable.

Section 6
The Organization and its property, goods and assets shall be exempt from:
(a) All taxes; it is understood, however, that no exemptions may be claimed in respect of taxes which are, in fact, charges for public utility services;
(b) Customs duties, prohibitions and restrictions on supplies of articles or other items imported or exported by the Organization for its official use. It is understood, however, that articles imported free of duty shall not be sold except under conditions agreed with the Government; and
(c) Customs duties, prohibitions and restrictions on the import or export of its publications, photographs, films and phonograph records.

Section 7

Without being affected by financial orders, regulations or moratoria, the Organization:

(a) May receive and hold funds, securities and currencies of any kind and operate accounts in any currency; and

(b) Shall be free to transfer its funds within Mexico or to other countries for the purpose of converting currency held by it into any other currency.

Section 8

1. The Organization shall enjoy in Mexico for its official communications treatment not less favourable than that accorded by the Government to any other Government, including its diplomatic missions, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms and telephone and other communications.

2. No censorship shall be applied to the official correspondence and other official communications of the Organization. Such correspondence shall be deemed to include publications, photographs, films and phonograph records.

3. The Organization shall have the right to make use of codes and to dispatch and receive official correspondence, including publications, documents, photographs, films and sound recordings, by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

Section 9

1. The officials and experts of the Organization shall:

(a) Be immune from all legal process in respect of all acts performed by them and words spoken or written by them in the performance of their functions; and

(b) Be exempt from taxation on the salaries and emoluments paid to them by the Organization.

2. In addition, those officials and experts who are not of Mexican nationality shall:

(a) Be exempt, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration formalities;

(b) Enjoy immunity from any compulsory national service;

(c) Be accorded the same privileges in respect of exchange facilities as are enjoyed by members of the diplomatic corps;

(d) Be allowed to import and export free of duty their furniture and personal effects and shall be granted temporary permits for the import of their motor vehicles, renewable for the entire period during which they remain on official duty in Mexico; and

(e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as officials of diplomatic missions.

3. The Government shall not levy any tax or duty on the movable property of officials and experts of the Organization other than Mexican
nationals, in respect of the succession or death of such officials and experts; it shall make no impediment to the repatriation of such property free of tax and duties.

Section 10

The Government shall recognize and accept as a valid travel document the United Nations laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the President of the Council of the Organization and the Secretary-General of the United Nations. Applications for visas from the holders of United Nations laissez-passer shall be dealt with as speedily as possible.

Section 11

In addition to the privileges and immunities specified in this article, the President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Regional Office and his Deputy and their spouses and minor children shall be accorded the privileges and immunities, exemptions and facilities accorded in accordance with international law and usage.

Section 12

Exemptions, immunities and privileges are granted to international officials and experts of the Organization exclusively in the interests of the latter. Consequently, the Secretary-General of the Organization shall waive the exemptions, immunities and privileges of any international official or expert in any case where, in his opinion, the exercise of those exemptions, immunities and privileges would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 13

The Secretary-General of the Organization or his duly authorized representative for that purpose shall communicate to the Government the names of the officials and experts of the Organization to whom the benefits specified in Section 9 shall be extended under this Agreement.

Section 14

In order to prevent the occurrence of any abuse in connexion with the exemptions, immunities and privileges mentioned in this Agreement, the Organization shall co-operate with the appropriate authorities to facilitate the proper administration of justice and secure the observance of police regulations.

Section 15

In exercising the rights laid down in this article, the Organization shall pay due regard to any complaint which the Government may make. Similarly, it shall take the necessary measures for the appropriate settlement of:

(a) Disputes arising out of contracts or other questions of a private law character to which the Organization is a party, and

(b) Disputes involving any representative or official of the Organization, in respect of which he enjoys immunity, unless the Secretary-General has waived immunity in accordance with the provisions of Section 12.
Section 16
The representatives of Member States of the Organization having to enter Mexican territory in the exercise of their official functions shall enjoy, for the duration of those functions, the privileges and immunities granted by the Government to members of diplomatic missions.

Section 17
Privileges and immunities are accorded to the representatives of Member States of the Organization, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a Member State of the Organization not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member State, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any case in which one of the persons designated to serve on it is concerned, the Council of the Organization shall be under the same duty.

Section 18
The Organization will communicate to the Government as far in advance as possible a list of the representatives invited to its conferences or meetings.

Article IV
ENTRY INTO FORCE, INTERPRETATION AND TERMINATION
OF THE AGREEMENT

Section 19
This Agreement shall enter into force upon signature by the duly authorized representatives of the Government and the Organization.

Section 20
Any difference between the Organization and the Government arising out of the interpretation or application of this Agreement or of any supplementary arrangement or agreement which cannot be settled by negotiations shall be submitted for decision to a board of three arbitrators; the first to be appointed by the Government, the second by the Secretary-General and the third, the presiding arbitrator, by the President of the International Court of Justice, except in cases in which the parties agree to resort to a different mode of settlement.

Section 21
This Agreement shall be construed in the light of its primary purpose, that is to enable the Organization fully and efficiently to discharge its responsibility and fulfil its purposes.

Section 22
This Agreement and all supplementary agreements or arrangements concluded in application of it may be revised by agreement between the Government and the Organization, and each of the Parties shall give careful and favourable consideration to any request for revision put forward by the other Party.
Section 23

Both the Government and the Organization may terminate this Agreement by giving notice thereof in writing to the other Party, the Agreement to be terminated one year from the date on which such notice is received. The termination of the Agreement, in respect of the Government or the Organization, shall be considered to imply the termination of the supplementary agreements or arrangements concluded by the Government and the Organization.

IN WITNESS WHEREOF, the undersigned representatives, being duly authorized by the Government and the Organization respectively, have signed this Agreement on behalf of the Parties at Montreal on 20 December 1956, in duplicate, in the Spanish language, of which one text was handed to the Representative of the Government of the United Mexican States and the other to the Secretary-General of the International Civil Aviation Organization.

Edward Warner

Enrique M. Loaeze

For the International Civil Aviation Organization

For the Government of the United Mexican States

Exchange of Notes between the President of the Council of the ICAO and the Representative of the Government of the United Mexican States, dated 20 December 1956

International Civil Aviation Organization

International Aviation Building

Montreal, Canada

Ref. A 11/4.10

20 December 1956

Sir,

I have the honour to propose that, as Section 11 of the Agreement between the Government of the United Mexican States and the International Civil Aviation Organization regarding that Organization's Regional Office for North America and the Caribbean at Mexico City does not clearly define the privileges, immunities, exemptions and facilities to be accorded in accordance with international law and usage (in addition to the privileges and immunities referred to in other sections of article III), to the President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Regional Office and his Deputy, and their spouses and minor children, it should be made clear that section 11 is to be construed as meaning that, while equality of status with diplomatic envoys is not necessarily implied thereby, these prerogatives shall be similar to those ordinarily accorded to diplomatic envoys in accordance with international law and usage.

I should be very grateful if you would inform me if your Government is in agreement with this interpretation.

I have the honour to be, etc.

Edward Warner

The President of the Council

The Representative of the Government of the United Mexican States

Montreal
Sir,

I have the honour to acknowledge receipt of your note of 20 December 1956 concerning the interpretation of section 11 of the Agreement between the Government of the United Mexican States and the International Civil Aviation Organization regarding the Organization's Regional Office for North America and the Caribbean at Mexico City.

I have pleasure in informing you that my Government is in agreement with the interpretation suggested in your note, namely, that, while equality of status with diplomatic envoys is not necessarily implied thereby, the privileges, immunities, exemptions and facilities accorded in accordance with international law and usage (in addition to the privileges and immunities provided in other sections of article III), to the President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Regional Office and his Deputy, and their spouses and minor children, shall be similar to those normally accorded to diplomatic envoys in accordance with international law and usage.

I have the honour to be, etc.

E. M. Loaeza

Dr. Edward Warner,
President of the Council of the ICAO,
Montreal.

16. CONSTITUTION OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS. SIGNED AT QUEBEC, ON 16 OCTOBER 1945

Article VIII

Staff

2. The staff of the Organization shall be responsible to the Director-General. Their responsibilities shall be exclusively international in character and they shall not seek or receive instructions in regard to the discharge

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2 States which are parties (up to 1 January 1960): Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom (including all colonies and overseas territories), United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yemen, Yugoslavia.
thereof from any authority external to the Organization. The Member nations undertake fully to respect the international character of the responsibilities of the staff and not to seek to influence any of their nationals in the discharge of such responsibilities.

4. Each Member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations.

Article XV

LEGAL STATUS

1. The Organization shall have the capacity of a legal person to perform any legal act appropriate to its purpose which is not beyond the powers granted to it by this Constitution.

2. Each Member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation.

3. The Conference shall make provision for the determination by an administrative tribunal of disputes relating to the conditions and terms of appointment of members of the staff.


THE GOVERNMENT OF THE ITALIAN REPUBLIC

and

THE FOOD AND AGRICULTURE ORGANIZATION

OF THE UNITED NATIONS

Desiring to conclude an agreement pursuant to the following resolution adopted by the Conference of the Food and Agriculture Organization of the United Nations at its Fifth Session:

1 Text of Agreement provided by the Food and Agriculture Organization of the United Nations.

2 Approved by Act No. 11 of 9 January 1951 (Italy, Official Gazette, Supplement to No. 22 of 27 January 1951).
"The Conference

Accepts, subject to the conclusion of suitable headquarters agreements with the central and local governments concerned, the offer tendered to the Organization by the Government of Italy, of a site in or near the city of Rome, for establishing the permanent Headquarters of the Organization; and

Authorizes the Director-General to negotiate such headquarters agreements and to refer them to the Council of FAO for ratification;"

Have appointed as their representatives for this purpose:

For the Government of the Italian Republic:

Gino Buti, Ambassador of Italy, and

For the Food and Agriculture Organization of the United Nations:

Norris E. Dodd, Director-General,

who have agreed as follows:

Article I

Definitions

Section I

In this agreement:

(a) The expression "FAO" means the Food and Agriculture Organization of the United Nations;

(b) The expression "the Government" means the Government of the Italian Republic;

(c) The expression "Director-General" means the Director-General of FAO, and, during his absence from duty, any officer designated by him to act on his behalf;

(d) The expression "appropriate Italian authorities" means such national or other authorities in the Italian Republic as may be appropriate in the context and in accordance with the laws and customs applicable in the Italian Republic;

(e) The expression "laws of the Italian Republic" includes legislative acts, and decrees, regulations or orders, issued by or under authority of the Government or appropriate Italian authorities;

(f) The expression "headquarters seat" means:

(i) The land together with the buildings erected upon it as defined in Annex A to this agreement;

(ii) Any other land or buildings which from time to time may be included therein by supplemental agreement with the appropriate Italian authorities;

(g) The expression "Member Nation" means a nation which is a member of FAO;

(h) The expression "representatives of Member Nations" includes all accredited members of delegations of Member Nations;

(i) The expression "meetings convened by FAO" means meetings of the Conference of FAO, the Council of FAO, any international conference or other gathering convened by FAO and any commission, committee or subgroup of any of these bodies;
The expression “archives of FAO” includes records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings, belonging to or held by FAO;

(k) The expression “officers of FAO” means all ranks of the FAO secretariat engaged by the Director-General or on his behalf;

(l) The expression “property” as used in Articles VII and VIII means all property, including funds and assets, belonging to FAO or held or administered by FAO in furtherance of its constitutional functions, and all income of FAO.

Article II

THE HEADQUARTERS SEAT

Section 2

(a) The permanent headquarters of FAO shall be in the headquarters seat, and shall not be removed therefrom unless FAO should so decide. Transfer of headquarters temporarily to another site shall not constitute a removal of the permanent headquarters in the absence of an express decision by FAO to that effect.

(b) The Government shall not, while this agreement is in force, dispose of all or any part of the headquarters seat without the consent of FAO.

Section 3

The Government grants to FAO and FAO accepts from the Government the permanent use and occupancy of the headquarters seat, as from the date of entry into force of this agreement. Such grant shall remain in force so long as the permanent headquarters of FAO shall be in the headquarters seat. FAO shall pay to the Government for the use and occupancy of the headquarters seat the total sum of one United States dollar ($1.00) per annum, payable yearly in advance, commencing on the date of entry into force of this agreement. The passage of time shall not contribute to the acquisition by FAO of the freehold title to the headquarters seat.

Section 4

With respect to the headquarters seat and the installations therein originally provided by the Government, such as elevators, heating, air conditioning and other equipment:

(a) The Government shall be responsible for major repairs of a non-recurring nature, in particular, but without limitation by reason of this enumeration, the repair of damage resulting from force majeure, structural defects or deterioration; for the replacement, when and if necessary, of such installations; and for the replacement, within a reasonable period, of any building or part thereof in the headquarters seat which may be totally or partially destroyed;

(b) FAO shall be responsible for minor repairs of a recurring nature and for upkeep through the provision of services and materials required to maintain the headquarters seat in a condition suitable for the effective discharge of the functions of FAO.

Section 5

To enable FAO to participate in the proposed network of short-wave communication to be established between the United Nations, its Specialized
Agencies and its regional offices, the Government shall, upon request, grant to FAO for official purposes appropriate radio and telecommunication facilities in conformity with technical arrangements to be made with the International Telecommunication Union.

Article III

EXTRATERRITORIALITY OF THE HEADQUARTERS SEAT

Section 6

(a) The Government recognizes the extraterritoriality of the headquarters seat which shall be under the control and authority of FAO as provided in this agreement.

(b) Except as otherwise provided in this agreement, the laws of the Italian Republic shall apply within the headquarters seat.

(c) Except as otherwise provided in this agreement, the courts of the Italian Republic shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

Section 7

(a) The headquarters seat shall be inviolable. No officer or official of the Italian Republic, or other person exercising any public authority within the Italian Republic, shall enter the headquarters seat to perform any duties therein except with the consent of, and under conditions approved by, the Director-General. The service of legal process, including the seizure of private property, may take place within the headquarters seat only with the consent of, and under conditions approved by, the Director-General.

(b) Without prejudice to Article X, FAO shall prevent the headquarters seat from being used as refuge by persons who are avoiding arrest under any law of the Italian Republic, required by the Government for extradition to another country, or endeavoring to avoid service of legal process.

Article IV

PROTECTION OF THE HEADQUARTERS SEAT

Section 8

(a) The appropriate Italian authorities shall exercise due diligence to ensure that the tranquility of the headquarters seat is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbance in the immediate vicinity of the headquarters seat, and shall provide on the boundaries of the headquarters seat such police protection as is required for these purposes.

(b) If so requested by the Director-General, the appropriate Italian authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters seat and for the removal therefrom of offenders.

Section 9

The appropriate Italian authorities shall take all reasonable steps to ensure that the amenities of the headquarters seat are not prejudiced and the purposes for which the headquarters seat is required are not obstructed by any use made of the land or buildings in the vicinity of the headquarters seat. FAO shall take all reasonable steps to ensure that the amenities of
the land in the vicinity of the headquarters seat are not prejudiced by any use made by FAO of the land or buildings in the headquarters seat.

Article V

PUBLIC SERVICES IN THE HEADQUARTERS SEAT

Section 10

(a) The appropriate Italian authorities shall exercise, to the extent requested by the Director-General, their respective powers to ensure that the headquarters seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, electricity, water, sewerage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse and fire-protection, and that such public services shall be supplied on equitable terms. In case of any interruption or threatened interruption of any such services, the appropriate Italian authorities shall consider the needs of FAO as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of FAO is not prejudiced.

(b) The Director-General shall, upon request, make suitable arrangements to enable duly authorized representatives of the appropriate public service bodies to inspect, repair, maintain, reconstruct, and relocate utilities, conduits, mains and sewers within the headquarters seat under conditions which shall not unreasonably disturb the carrying out of the functions of FAO.

(c) Where gas, electricity or water are supplied by appropriate Italian authorities or bodies under their control, FAO shall be supplied at special tariffs which shall not exceed the lowest rates accorded to Italian governmental administrations.

Article VI

COMMUNICATIONS

Section 11

FAO shall enjoy for its official communications treatment not less favorable than that accorded by the Government to any other organization or government, including diplomatic missions of such other government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to press and radio.

Section 12

FAO shall be entitled for its official purposes to use the railway facilities of the Government at special tariffs which shall not exceed the lowest rates of fares and freights accorded to Italian governmental administrations.

Section 13

(a) All communications directed to FAO, or to any of its officers at the headquarters seat, and all outward official communications of FAO, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures and film, and sound recordings. In case of emergency requiring the enforcement of censorship
in the Italian Republic, the appropriate Italian authorities shall consult with the Director-General with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Italian authorities in order to avoid abuse of the immunity from censorship enjoyed by the official communications of FAO and its officers.

(b) FAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between FAO and the Government.

Article VII

Juridical Personality and Freedom of Assembly

Section 14

The Government recognizes the juridical personality of FAO and, in particular, its capacity:

(a) To contract;
(b) To acquire and dispose of movable and immovable property;
(c) To institute legal proceedings.

Section 15

The Government recognizes the right to convene meetings within the headquarters seat or, with the concurrence of the appropriate Italian authorities, elsewhere in the Italian Republic. At meetings convened by FAO, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussion and decision.

Article VIII

Property of FAO and Taxation

Section 16

FAO and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case FAO shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 17

The property of FAO, 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 18

The archives of FAO and in general all documents belonging to FAO or held by it shall be inviolable wherever located.

Section 19

(a) FAO and its property shall be exempt from any form of direct taxation. This exemption shall apply in particular, but without limitation
by reason of this enumeration, to the tax on movable property (imposta sui redditi di ricchezza mobile), the land income tax (imposta sui redditi dei terreni), the tax on income from buildings (imposta sui redditi dei fabbricati), the capital levy (imposta sul patrimonio) and all local surtaxes (sovra-imposte locali).

(b) Regarding indirect taxes, levies and duties on operations and transactions, FAO shall enjoy the same exemptions and facilities as are granted to Italian governmental administrations. In particular, but without limitation by reason of this enumeration, FAO shall be exempt from the registration tax (imposta di registro); the general receipts tax (imposta generale sull’entrata) on wholesale purchases, on contractual services and on tenders for contractual supplies (prestazioni d’opera, appalti), on leases of lands and buildings; from the mortgage tax; and from the consumption taxes on electric power for lighting, on gas for lighting and heating, and on building materials.

(c) Articles imported or exported by FAO for official purposes shall be exempt from customs duties and other levies, prohibitions and restrictions on imports and exports. Such articles shall include, without limitation by reason of this enumeration, publications, still and moving pictures, and film and sound recordings.

(d) FAO shall be exempt from customs duties and other levies, prohibitions and restrictions on the importation of service automobiles, and spare parts thereof, required for its official purposes, on the understanding that the FAO fleet of service automobiles shall at no time exceed twelve vehicles. The Government shall exempt such vehicles from the tax on circulation and shall grant allotments of gasoline or other required fuels and lubricating oils for each such vehicle in quantities and at rates prevailing for heads of diplomatic missions in the Italian Republic.

Article IX

FINANCIAL FACILITIES

Section 20

(a) Without being restricted by any financial controls, regulations or moratoria of any kind, and within the limits prescribed by section 21, FAO may freely:

(i) Purchase negotiable currencies at authorized banks, and hold and dispose of them; operate currency accounts; and purchase through authorized channels, hold and dispose of funds, securities and gold;

(ii) Transfer its funds, securities, gold and currencies to or from the Italian Republic, from or to any other country, or within the Italian Republic.

(b) FAO 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 while at the same time safeguarding the interests of FAO.

Section 21

(a) Whenever FAO shall convert United States dollars into lire, it shall have the benefit of the exchange rate approved by the International Monetary Fund for transfers abroad, or, in the absence of such a rate, of an effective rate of exchange which shall be in no way discriminatory.
(b) To the extent of any United States dollar conversion into lire, FAO may reconvert lire into United States dollars within a period of two years from the date of each such conversion, and shall have the benefit of the rate of exchange as indicated in subsection (a) prevailing at the time of such reconversion.

(c) In addition to the reconversion mentioned in subsection (b) FAO may, during any financial year of FAO, convert lire into United States dollars up to a maximum of five per centum of its budget for that financial year. This right shall not be cumulative.

(d) FAO may, during any financial year of FAO, convert lire into such currencies other than United States dollars, Swiss francs and Belgian francs as it may consider necessary for its operational purposes, up to a maximum of ten per centum of its budget for that financial year. This right shall not be cumulative.

(e) The Government shall assist FAO to obtain the most favorable conditions as regards exchange rates, banking commissions in exchange transactions and the like.

**Article X**

**Transit**

**Section 22**

(a) The appropriate Italian authorities shall impose no impediment to transit to or from the headquarters seat of the following persons, irrespective of their nationalities, and shall afford them any necessary protection in transit:

(i) The Chairman of the Council of FAO, representatives of Member Nations, the United Nations, or any Specialized Agency of the United Nations, and their spouses;

(ii) Representatives of other organizations or bodies with which FAO shall have established consultative relations;

(iii) Officers of FAO and families and other members of their households;

(iv) Persons, other than officers of FAO performing missions for FAO, the United Nations or any Specialized Agency of the United Nations, or serving on committees of FAO, and their spouses;

(v) Representatives of the press, or of radio, film or other information agencies who have been accredited by FAO in its discretions after consultation with the Government;

(vi) Other persons invited to the headquarters seat by FAO on official business. The Director-General shall communicate the names of such persons to the Government within a reasonable time.

(b) This section shall not apply to general interruptions of transportation, which shall be dealt with as provided in section 10 (a), and shall not impair the effectiveness of generally applicable laws as to operation of means of transportation.

(c) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any such person in his official capacity as described in subsection (a) shall constitute a reason for preventing his entry into the territory of the Italian Republic or for requiring him to leave such territory.
(e) In case of abuse of the privilege of residence by any such person in activities in the Italian Republic outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Italian Republic regarding the continued residence of aliens, provided that:

(i) No proceeding shall be instituted under such laws to require any such person to leave the Italian Republic except with the prior approval of the Minister of Foreign Affairs of the Italian Republic;

(ii) In the case of the representative of a Member Nation, such approval shall be given only after consultation with the Government of the appropriate Member Nation;

(iii) In the case of any other person mentioned in subsection (a), such approval shall be given only after consultation with the Director-General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be;

(iv) A representative of the Member Nation concerned, the Director-General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be, shall have the right to appear and be heard in any such proceedings on behalf of the person against whom they shall have been instituted;

(v) Persons who are entitled to diplomatic privileges and immunities under section 24 or 28 shall not be required to leave the Italian Republic otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Italian Republic.

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in subsection (a), or the reasonable application of quarantine and health regulations.

Section 23

The Director-General and the appropriate Italian authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the Italian Republic, and the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters seat and who do not enjoy the privileges conferred by section 22.

Article XI

Resident Representatives to FAO

Section 24

(a) Every person designated by a Member Nation as its principal resident representative to FAO or as a resident representative to FAO with the rank of Ambassador or Minister Plenipotentiary, and the members of its mission, shall, whether residing inside or outside the headquarters seat, be entitled within the Italian Republic to the same privileges and immunities, subject to corresponding conditions and obligations, as the Government accords to diplomatic envoys and members of their missions of comparable rank accredited to the Government.

(b) In the case of Member Nations whose governments are not recognized by the Italian Republic, such privileges and immunities need be extended to
such representatives and their missions only within the headquarters seat, at
their residences and offices outside the headquarters seat, in transit between
the headquarters seat and such residences and offices, and in transit on
official business to or from foreign countries.

(c) Whenever the resident representatives of Member Nations or mem-
bers of their missions are Italian citizens, or are engaged in any trade or
industry within the Italian Republic, the privileges and immunities rec-
ognized by international law shall apply to the extent authorized by inter-
national law as accepted by the Government.

Article XII

CHAIRMAN OF COUNCIL AND REPRESENTATIVES AT MEETINGS

Section 25

The Chairman of the Council of FAO, representatives of Member Nations,
representatives or observers of other nations, and representatives of the
United Nations and its Specialized Agencies at meetings convened by FAO
shall, while exercising their functions and during their journeys to and from
the headquarters seat or other place of meeting, enjoy within and with
respect to the Italian Republic the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their
personal and official baggage;

(b) Immunity from legal process of any kind with respect to words
spoken or written, and all acts performed by them, in the performance of
their official functions such immunity to continue notwithstanding that the
persons concerned may no longer be engaged in the performance of such
function;

(c) Inviolability for all papers and documents;

(d) The right to use codes and to despatch or receive papers or corre-
spondence by courier or in sealed bags;

(e) Exemption with respect to themselves and their spouses from im-
migration restrictions, alien registration and national service obligations;

(f) The same facilities with respect to currency or exchange restrictions
as are accorded to representatives of foreign governments on temporary
official missions;

(g) The same immunities and facilities with respect to their personal and
official baggage as are accorded to members of comparable rank of diplo-
matic missions.

Section 26

(a) Where the incidence of any form of taxation depends upon residence
periods during which the persons designated in section 25 may be present
in the Italian Republic for the discharge of their duties shall not be con-
sidered as periods of residence.

(b) The privileges and immunities accorded by this Article are con-
ferred not for the personal benefit of the individuals themselves but in order
to safeguard the independent exercise of their functions in connection with
FAO. The Council of FAO in the case of its Chairman, governments in
the case of their representatives or observers, and the United Nations or its
appropriate Specialized Agency in the case of their representatives, shall
waive the immunity of the Chairman of the Council of FAO or of such representatives or observers, as the case may be, whenever, in the opinion of the Council, the appropriate government, the United Nations, or the appropriate Specialized Agency, as the case may be, the immunity would impede the course of justice, and where it could be waived without prejudice to the purpose for which the immunity was accorded.

Article XIII

Officers of FAO

Section 27

Officers of FAO shall enjoy within and with respect to the Italian Republic the following privileges and immunities:

(a) Immunity from preventive arrest, except in the case of flagrancy, or of a crime entailing imprisonment for not less than two years, in which case the appropriate Italian authorities shall immediately notify the Director-General of any such arrest;

(b) Immunity from seizure of their personal and official baggage;

(c) Immunity from legal process of any kind with respect to 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 officers of FAO;

(d) Exemption from any form of direct taxation on salaries, emoluments and indemnities paid to them by FAO;

(e) Exemption for officers of other than Italian citizenship from any form of direct taxation on income derived from sources outside the Italian Republic;

(f) Exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(g) Exemption from national service obligations, provided that, with respect to Italian citizens, such exemption shall be confined to officers whose names have, by reason of their duties, been placed upon a list compiled by the Director-General and approved by the Government; provided further, that should other officers who are Italian citizens be called up for national service, the Government shall, upon request of the Director-General, grant such temporary deferments in the call up of such officers as may be necessary to avoid interruption in the continuation of essential work;

(h) For officers who are not Italian citizens, freedom to maintain within the Italian Republic or elsewhere foreign securities, foreign currency accounts, and other movable and immovable property; and at the termination of their FAO employment, the right to take out of the Italian Republic without prohibition or restriction their funds in the same currencies and up to the same amounts as they had brought into the Italian Republic through authorized channels;

(i) The same protection and repatriation facilities with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crisis;

(j) The right to import, free of duty and other levies, prohibitions and restrictions on imports;
Their furniture and effects, including one automobile each, at the time of first taking up their posts in the Italian Republic, either in a single shipment or in two or more separate shipments; and thereafter to import necessary additions to, or replacements of, the same, free of duty and other levies, prohibitions and restrictions on imports; and

Through the medium of FAO, reasonable quantities, to be agreed upon in accordance with a procedure to be established between the Government and FAO, of foodstuffs and other articles for personal use and consumption and not for gift or sale.

Section 28

(a) In addition to the privileges and immunities specified in section 27:

(i) The Director-General shall be accorded the privileges and immunities, exemptions and facilities accorded to Ambassadors who are heads of missions;

(ii) The Deputy Director-General or the senior officer of FAO acting on behalf of the Director-General during his absence from duty shall be accorded the rank of Ambassador;

(iii) The Deputy Director-General, Special Assistants to the Director-General, Regional Representatives, senior members of the Office of the Director-General, Directors and deputy Directors of Divisions and such additional senior officers as may be designated by the Director-General on the grounds of the responsibilities of their positions in FAO, shall be accorded privileges and immunities, exemptions and facilities not less than those accorded to members of the diplomatic corps;

(iv) Officers of FAO of professional rank, the total number to be agreed upon by the Director-General and the Government, shall be accorded, in respect of each such officer, the right to import every four years, free of duty and other levies, prohibitions and restrictions on imports, one automobile as a substitute for an automobile previously imported; and privileges connected therewith.

(b) All officers of FAO not mentioned in subsections (a) (i), (a) (ii) or (a) (iii) shall be supplied with a special card certifying the fact that they are officers of FAO enjoying the privileges and immunities specified in this agreement and in particular in section 27.

Section 29

(a) The privileges and immunities accorded by this Article are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. The Director-General shall waive the immunity of any officer in any case where, in the opinion of the Director-General, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(b) FAO and its officers shall co-operate at all times with the appropriate Italian authorities to facilitate the proper administration of justice, to secure the observance of police regulations, and to prevent the occurrence of any abuses in connection with the privileges and immunities accorded by this Article.
Article XIV

EXPERTS, MEMBERS OF FAO MISSIONS AND COMMITTEES
AND REPRESENTATIVES OF OFFICIAL ORGANIZATIONS

Section 30

Experts, other than officers of FAO coming within the scope of Article XIII, performing missions for, or serving on committees of, FAO and representatives of official organizations or bodies invited by FAO to the headquarters seat or to meetings convened by FAO, shall enjoy, within and with respect to the Italian Republic, the following privileges and immunities so far as may be necessary for the effective exercise of their functions and during their journeys in connection with service on such missions or committees, and attendance at the headquarters seat and at such meetings:

(a) Immunity from preventive arrest, except in the case of flagrancy, or of a crime entailing imprisonment for not less than two years, in which case the appropriate Italian authorities shall immediately notify the Director-General of any such arrest;

(b) Immunity from seizure of their personal and official baggage;

(c) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, or serving on committees of, FAO, or may no longer be present at the headquarters seat or attending meetings convened by FAO;

(d) Inviolability for all papers and documents;

(e) For the purpose of their communications with FAO, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags;

(f) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;

(g) The same facilities with respect to currency and exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(h) The same immunities and facilities with respect in their personal and official baggage as are accorded to members of diplomatic missions in the Italian Republic.

Section 31

(a) Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in section 30 may be present in the Italian Republic for the discharge of their duties shall not be considered as periods of residence.

(b) The privileges and immunities accorded by this Article are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. The Director-General shall waive the immunity of any such individuals in any case where, in the opinion of the Director-General, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between FAO and the appropriate Italian authorities.
Article XV

LAISSEZ-PASSER

Section 32

The Government shall recognize and accept the United Nations Laissez-passer issued to officers of FAO and to the Chairman of the Council of FAO as a valid travel document equivalent to a passport.

Article XVI

GENERAL PROVISIONS

Section 33

(a) The Director-General 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 officers of FAO and persons performing missions for or serving on committees of, FAO.

(b) Should the Government consider that an abuse of privilege or immunity conferred by this agreement has occurred, the Director-General shall, upon request, consult with the appropriate Italian authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Director-General and the Government, the matter shall be determined in accordance with the procedure set out in Article XVII.

(c) Without prejudice to the independent and proper working of FAO, the Government may, after consultation with the Director-General, take all precautionary measures necessary to the national safety.

(d) All persons of Italian citizenship shall enjoy the privileges and immunities accorded by the agreement to the extent recognized by international law as accepted by the Government.

Article XVII

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

Section 34

(a) FAO and the Government may enter into such supplemental agreements as may be necessary within the scope of this agreement.

(b) Upon accession by the Italian Republic to the Convention on Privileges and Immunities of the Specialized Agencies, such Convention and this agreement shall, where they relate to the same subject matter, be treated, wherever possible, as complementary; but in case of conflict, the provisions of this agreement shall prevail.

Section 35

Any dispute between FAO and the Government concerning the interpretation or application of this agreement or any supplemental agreements, or any question affecting the headquarters seat or the relationship between FAO and the Government, 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 chosen by the Director-General, one to be chosen by the Minister of Foreign Affairs of the Italian Republic, and the
third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

Article XVIII

Operation of This Agreement

Section 36

(a) This agreement shall enter into force upon an exchange of notes between the Director-General, duly authorized pursuant to a resolution of the Council of FAO and the duly authorized representative of the Government.

(b) Consultations with respect to modification of this agreement shall be entered into at the request of FAO or the Government. Any such modification shall be by mutual consent.

(c) This agreement shall be construed in the light of its primary purpose to enable FAO at its headquarters in the Italian Republic fully and efficiently to discharge its responsibilities and fulfill its purposes.

(d) Wherever this agreement imposes obligations on the appropriate Italian authorities, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government.

(e) This agreement shall cease to be in force:

(i) By mutual consent of FAO and the Government;

(ii) If the permanent headquarters of FAO is removed from the territory of the Italian Republic, except for such provisions as may be applicable in connection with the orderly termination of the operations of FAO at its permanent headquarters in the Italian Republic and the disposition of its property therein.

In Witness Whereof the Government and FAO have signed this agreement at Washington the 31th day of October 1950, in two copies in English and Italian, the text in both languages being authentic.

For the Government of the Italian Republic

GINO BUTI
Ambassador of Italy

For the Food and Agriculture Organization
of the United Nations

NORRIS E. RODD
Director-General

ANNEX A

To the Agreement between the Government of the Italian Republic and the Food and Agriculture Organization of the United Nations regarding the Headquarters of the Food and Agriculture Organization of the United Nations.

HEADQUARTERS SEAT

The following is a description of the land and buildings referred to in section 1 (f) (i) of the Agreement, and shown on attached Drawing No.

BOUNDARY DEFINITIONS

The headquarters seat is situated in the Aventine Quarter of Rome in the zone described in folio 513 of the New City Survey of Rome as Plots Nos 185 and 231, and Plot No. 205 as shown in Drawing No. 46F. It forms part of a larger area which was originally intended to be the seat of the Ministry of Italian Africa, and which is bounded on the North-West by Viale Aventino, on the South-East by the small hill of Santa Balbina and by Survey Plot No. 186 of municipal property on the South-West by the private property of the “Collegio dei Missionari del Sacro Cuore”, and on the North-East by Viale Terme di Caracalla, and municipally owned areas.

Four buildings were planned for this area, as indicated on Drawing No. 46F, of which so far only Buildings B and D — the latter now occupied by the Italian Ministry of Posts and Telecommunications — have been constructed. Building A is to be constructed under law No. 173 of 10 August 1950, published in the “Gazzetta Ufficiale”, No. 210 of 13 September 1950 and therefore, for the purpose of the following description, it will be considered as completed. Only the central nucleus of Building C has so far been constructed, comprising 156 square meters, more or less, and surrounding the chimney which was to serve the heating plant for the complete block of four buildings.

The headquarters seat consists of the land, together with the buildings erected thereon, which is marked on Drawing 46F by diagonal lines moving from left top to bottom right and by criss-crossing lines. The headquarters seat accordingly consists of two distinct parts, separated from each other by land not included in the headquarters seat, all as shown on Drawing No. 46F.

The larger of the two parts consists of three areas, the Main Buildings Area, the Garage and Parking Area, and the Area Subject to Right of Passage to and from Buildings C and D.

The smaller part consists of the Heating and Cooling Plants Area.

Main Buildings Area

The Main Buildings Area comprises an area of 17,471.75 square meters, more or less, defined by the lines shown on Drawing No. 46F joining points 1 and 31, and contains Buildings A and B (covering respectively 3,987 and 5,011 square meters of land, more or less), which house FAO offices, working space and meeting-rooms.

The boundary of this area in defined by the following lines:

Line joining points 0, 1, 2, 3, 4:

Point 0 is a point 10 meters South-West of the North corner of the outer wall of Survey Plot No. 186, as indicated on Drawing No. 46F.

Point 1 is situated 20 meters from Point 0, on a line projected in a North-Westerly direction from Point 0 at 90 degrees to the face of the outer wall of Survey Plot No. 186.

Point 2 is at the intersection of the extensions of the exterior faces of the South-East wall of Building B and the North-East wall of Building A.
Points 3 and 4 are the respective exterior corners of the South-East façade of Building B.

The line joining points 4, 5, 6 follows the exterior faces of the South-West wall of Building B and the South-East wall of the "Uffici Cassa", the latter being a groundfloor extension in the middle of the façade of Building B and covering 533,8 square meters, more or less.

Line joining points 6, 7, 8, 9:
Point 6 is the exterior South corner of "Uffici Cassa".
Point 7 is situated on the extension of line 5-6, at 1.50 meters from point 6.
Point 8 is situated 10 meters to the South-East from the latitudinal axis of Building B and 5 meters from the exterior face of the South-West wall of "Uffici Cassa".
Point 9 is situated on the parallel to the latitudinal axis of Building B passing through point 8, and shall be 2.50 meters from the passage joining Buildings D (Ministry of Posts and Telecommunications) and C, but not nearer the exterior face of the South-West wall of Building B than is shown on Drawing No. 46F.

The line joining points 9, 10 is parallel to the South-West façade of Building B.

The line joining points 10, 11 is parallel to the latitudinal axis of Building B and 10 meters North-West of it.

Line joining points 11, 12, 13:
Point 11 is situated on line 10-11 at 2.50 meters from the exterior face of the South-West wall of "Uffici Cassa".
Point 12 is situated on the façade of the low annex of Building D at 1.50 meters from the South-West façade of "Uffici Cassa".
Point 13 is the point where the low annex of Building D meets the South-West façade of "Uffici Cassa".

Line joining points 13, 14:
Point 14 is the West corner of "Uffici Cassa".

Line joining points 14, 15:
Point 15 is situated on the exterior face of the North-West wall of "Uffici Cassa", at its intersection with the extension of the exterior face of the North-East wall of Building D.

Line joining points 15, 16, 17, 18:
Point 16 is the corner where the exterior face of the North-East wall of Building D meets the exterior face of the South-East wall of the staircase projection of Building B.
Point 17 is the corner where the exterior face of the North-East wall of Building D meets the exterior face of the North-West wall of the staircase projection of Building B.
Point 18 is the exterior North corner of Building D.

Line joining points 18, 19:
Point 19 is the corner where the exterior face of the North-West wall of Building D meets the exterior face of the South-West supporting wall under the terrace adjoining Building B.

The line joining points 19, 20, 21, 22, 23, 24 follows the exterior face of the outer supporting wall of the terrace.
Line joining points 24, 25, 26:
Point 24 is the exterior Western corner of the same supporting wall. Point 25 is situated at the intersection of line 24-26 and the extension of the exterior face of the North-East wall of Building B. Point 26 is the exterior North corner where the wall dividing the Main Buildings Area from Viale Aventino meets the wall of the staircase of the subway.

The line joining points 26, 27, 28, 29, follows the outer wall dividing the Main Buildings Area from the staircase of the subway, and is on the staircase side of the wall.

Line joining points 29, 30:
Point 29 is the corner where the wall of the subway staircase meets the edge of the sidewalk of Viale Aventino. Point 30 is 5 meters to the North-East from point 29 on the same edge of the same sidewalk.

Line joining points 30, 31:
Point 31 is situated 13 meters from point 30 on a line at right angles to line 29-30.

The combined straight and curved line joining points 31, 1 is to be as shown on Drawing No. 46F.

Garage and Parking Area

The Garage and Parking Area comprises an area of 1,959 square meters, more or less, defined by the lines joining points 32 and 38, as follows:

The line joining points 32, 33, 34, 35 follows the North-West face of the South-West wall of survey Plot No. 186, point 34 being at an angle in the wall and point 32 being the North corner of the garage.

Line joining points 35, 36:
Point 35 is the point where the corner of the South-West wall, described above, of Survey Plot No. 186 meets Viale Guido Baccelli. Point 36 is the point of intersection between Viale Guido Baccelli and the line joining points 36, 37, 38.

The line joining points 36, 37, 38 is parallel to line 32-34 and 25 meters distant from it.

The line joining points 38, 32 is at 90 degrees to lines 32-34 and 36-38 and forms the North-West façade of the Garage and Parking Area. The part of the Garage and Parking Area defined by the line joining points 32, 33, 37, 38 is to contain the garage itself, and the part defined by the line joining points 33, 34, 35, 36, 37 is to contain an unbuilt-on space for parking purposes.

Area subject to Right of Passage to and from Buildings C and D

The Area Subject to Right of Passage to and from Buildings C and D comprises an area of 3,240 square meters, more or less, defined by the lines joining points 0, 1, 2, 3, 4, 5, B, A, 38, 32, 0.

The line A-B is on the extensions of line 15-18, between point A, on the supporting wall on the small hill of Santa Balbina, and point B, on the South-East façade of "Uffici Cassa". This line is thus parallel to the South-West façade of Building B, and 10 meters distant from it.
This part of the headquarters seat, which is marked on the attached plan by criss-crossing lines, is subject to the right of passage to and from Buildings C and D, but without other diminution of the rights, privileges and powers granted to FAO by the Agreement.

*Heating and Cooling Plants Area*

The Heating and Cooling Plants Area comprises an area of 464 square meters, more or less, defined by lines joining points 39, 40, 41, 42, and is part of the building formerly intended to house the heating plant for the complete block of Buildings A, B, C, D. The above-mentioned area of 464 square meters, more or less, will house the heating and cooling plants for the headquarters seat. This area comprises an underground hall ($26 \times 14.6$ meters) for the heating plant, with 19 recesses to hold the cooling plant and staircase, and for use as storage space for fuel oil and other fuel, and reservoirs; it also comprises two rooms on the ground floor.

The Heating and Cooling Plants Area, as defined above, is entirely separate from the other part of the same construction serving buildings not included in the headquarters seat, and it has its own entrance in its South-West façade defined by line 40-41.

*Markers*

The boundaries and points of reference described above will be precisely designated by stone marks, white travertine lines on the ground, or bronze wallplates, as the case may be, giving the same reference numbers or letters as appear on Drawing No. 46F. The precise location of these marks will be determined at the site, by mutual agreement, in accordance with this Annex and Drawing No. 46F. These marks, lines or plates will be placed in position gradually, as the work proceeds.

*Common Facilities*

The area marked by diagonal lines moving from right top to bottom left on Drawing No. 46F is intended for the common use of the occupants of the headquarters seat and of Buildings C and D, especially for transit purposes.

The occupants of the headquarters seat and of Building D may use, for the same purposes, and for parking, the space reserved for Building C, comprising 2,660 square meters, more or less, until this space is required for the completion of the construction of Building C.

The piping for hot water, steam, cold water, and drinking water, which connects the Heating and Cooling Plants Area of the headquarters seat with the Main Buildings Area, passes through the heating plant serving Buildings D and C and then runs side by side with the piping for Buildings D and C through an underground passage as far as the outer wall of "Uffici Cassa". Where the piping of the headquarters seat passes through land not included in the headquarters seat, the respective passages will be reserved for the common use of the occupants of headquarters seat and of Buildings C and D, for the purpose of supervision and repairs.

At the point of entry of the FAO piping into the headquarters seat under the outer wall of "Uffici Cassa", a metal door will divide the part of the underground passage in common use from that in the exclusive use of FAO.

The chimney in the present small nucleus of Building C, with the respective underground passages, will be reserved for common use for the heating plants
of both FAO and of the Ministry of Posts and Telecommunications and the future Building C.

It is understood that when the Italian Government proceeds to construct Building C, the latter can, on the North-East side, be adjacent to Building B, leaving, at ground-floor level, between the two buildings, a passage as indicated on Drawing No. 46F. It is also understood that during the construction of Building C, the area in common use between its South-West and South-East façades and the outer wall, and that part of the area along its North-East and North-West façades which is strictly necessary, will be available for vehicles, equipment and other reasonable requirements for the progress of the work until the completion of building.


THE GOVERNMENT OF CHILE AND THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Desiring to conclude an agreement pursuant to recommendations of the Conference of the Food and Agriculture Organization of the United Nations for the establishment, in Latin America, of Regional Offices of the Organization, have agreed as follows:

Article I
DEFINITIONS

Section 1

In this agreement:
(a) The expression “FAO” means the Food and Agriculture Organization of the United Nations;
(b) The expression “Regional Office” means the Regional Office of FAO for Western South America;
(c) The expression “the Government” means the Government of the Republic of Chile;
(d) The expression “Director-General” means the Director-General of FAO;
(e) The expression “Regional Officer” means the officer designated by the Director-General to be in charge of the Regional Office;
(f) The expression “appropriate Chilean Authorities” means national, state or other authorities in the Republic of Chile: in accordance with the laws of the country;

¹ Text of Agreement provided by FAO.
² Put into force provisionally by the Executive, pending ratification by the Chilean Assembly. Ratified by Congress on 23 December 1954 and promulgated on 24 December 1954.
The expression "laws of the Republic of Chile" includes legislative acts, and decrees, regulations and orders, issued by the Government or by appropriate Chilean authorities;

The expression "Regional Office Seat" means the premises occupied by the Regional Office;

The expression "archives of FAO" means records and correspondence, documents, manuscripts, still and moving pictures and films; and sound recordings, belonging to or held by FAO;

The expression "officers of FAO" means all members of the FAO staff engaged by the Director-General or on his behalf;

The expression "Officers of the Regional Office" means all members of the FAO staff designated by FAO for duty in the Regional Office.

The expression "property" used in Articles V and VI means all property, including funds and assets, belonging to FAO or held or administered by FAO in furtherance of its constitutional functions, and in general, all income of FAO.

Article II

The Regional Office Seat

Section 2

The Government shall grant free of charge to FAO and FAO shall accept, as from the date of entry into force, and during the life of this Agreement, the use and occupancy of premises and the use of installations and office furniture suitable for the operation of the Regional Office, as shall be described in an exchange of notes between FAO and the Government, to be effected pursuant hereto not later than the date of entry into force of this Agreement.

Section 3

The Government shall provide, free of charge, repairs and internal services required to maintain the Regional Office Seat in a condition suitable for the effective discharge of the functions of the Regional Office, such services to include, among others, cleaning, protection, messenger, mail, telephone, water, electric light and power services, of a quality not inferior to those provided for comparable offices of the Government.

Article III

Immunity of Jurisdiction

Section 4

The Government recognizes the immunity of jurisdiction of the Regional Office Seat which shall be under the control and authority of FAO as provided in this Agreement.

Section 5

(a) The Regional Office Seat shall be inviolable.

(b) Without prejudice to Article VIII, FAO undertakes to prevent the Regional Office seat from being used as a refuge by persons who are seeking to avoid arrest under any law of the Republic of Chile, who are required by the Government, or who are endeavoring to avoid service of legal process.
Article IV

COMMUNICATIONS

Section 6
FAO shall enjoy for its official communications treatment not less favorable than that accorded by the Government to any other Organization or Government, including foreign diplomatic missions in Chile.

Section 7
FAO shall be entitled for its official purposes to use the railways of the Government under the same conditions as may have been established for resident Diplomatic Missions.

Section 8
Neither the correspondence nor other communications of FAO shall be subject to censorship. This exemption extends, without limitation by reason of this enumeration, to publications, still and moving pictures and films, and sound recording. FAO shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as are accorded to diplomatic couriers or bags. Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Government and FAO.

Article V

JURIDICAL PERSONALITY

Section 9
The Government recognizes the juridical personality of FAO, and in particular, its capacity:
(a) To contract;
(b) To acquire and dispose of movable and immovable property;
(c) To institute legal proceedings.

Article VI

PROPERTY OF FAO AND TAXATION

Section 10
FAO and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case FAO shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 11
The premises of the Regional Office are inviolable. The property of the Regional Offices, 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 12
The archives of FAO and in general all documents belonging to FAO or held by it shall be inviolable.
Section 13

The holdings, income, and other property of FAO shall be exempt
(a) From any direct taxation, it being understood, however, that FAO will not claim any exemption from taxes which in fact constitute only a payment for useful public services.
(b) From customs duties and prohibitions and restrictions on imports with respect to articles imported or exported by FAO for its official use, it being understood, however, that articles imported under such exemption shall not be sold in the country except in accordance with conditions to be agreed upon hereafter between the Government and FAO.
(c) From customs duties and prohibitions on imports and exports of its publications.

Article VII

FINANCIAL AND EXCHANGE FACILITIES

Section 14

(a) The Regional Office shall not be subject to any financial controls, regulations, or moratoria of any kind, and may freely:
(i) Purchase negotiable currencies at authorized banks, and hold and dispose of them; operate currency accounts; and purchase through authorized channels, hold and dispose of funds, securities and gold;
(ii) Transfer its funds, securities, gold and currencies to or from the Republic of Chile, from or to any other country, or within Chile.
(b) FAO 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 while at the same time safeguarding the interests of FAO.

Article VIII

TRANSIT AND RESIDENCE

Section 15

(a) The appropriate Chilean authorities shall impose no impediment to transit to or from the Regional Office Seat of the following persons:
(i) Officers of FAO and their families;
(ii) Officers of the Regional Office, their families and other members of their household;
(iii) Persons, other than officers of FAO, performing missions for FAO, and their spouses;
(iv) Other persons invited to the Regional Office Seat by FAO on official business. The Director-General or the Regional Officer shall communicate the names of such persons to the Government.
(b) This section shall not apply to general interruptions of transportation, and shall not impair the effective application of current laws.
(c) Visas which may be required for persons referred to in this section shall be granted without charge.
(d) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.
Article IX

OFFICERS OF FAO

Section 16

Officers of FAO shall enjoy within and with respect to 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 with respect to 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 officers of FAO;
(d) Exemption from any form of direct taxation on salaries, emoluments and indemnities paid to them by FAO;
(e) Exemption for officers, other than those of Chilean nationality, from any form of direct taxation on income derived from sources outside of the Republic of Chile;
(f) Exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;
(g) For officers who are not of Chilean nationality, freedom to maintain within Chile or elsewhere foreign securities, foreign currency accounts, and other movable and immovable property; and at the termination of their FAO employment, the right to take out of Chile without prohibition or restriction, their funds in the same currencies and up to the same amounts as they had brought into Chile through authorized channels;
(h) The same facilities for repatriation and protection by Chilean authorities, with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crisis;
(i) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects, including one automobile each, at the time of first taking up their posts in Chile. The transfer of each automobile shall be carried out according to the general procedures established for the resident Diplomatic Corps.

Section 17

All officers of the Regional Office shall be supplied with a special card certifying the fact that they are officers of FAO enjoying the privileges and immunities specified in this Agreement.

Section 18

The Government shall accord to the Regional Officer and to the other permanent senior officers of the Regional Office, who are recognized as such by the Ministry of External Relations, the immunities and privileges indicated in Section 4 of Article VIII of the Constitution of FAO.

For this purpose, said officers of FAO shall be considered by the Ministry of External Relations to have status equivalent to the several diplomatic categories, and shall enjoy the customs exemption defined in Section 1901 of the Customs Tariff.
Section 19

(a) The privileges and immunities accorded by this Agreement are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. The Director-General shall waive the immunity of any officer in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(b) FAO and its officers shall co-operate at all times with the appropriate Chilean authorities to facilitate the proper administration of justice, to secure the observance of police regulations, and to prevent the occurrence of any abuses in the exercise of the privileges and immunities accorded by this Agreement.

Article X

PERSONS OTHER THAN OFFICERS OF FAO

Section 20

Persons, other than officers of FAO, who are members of FAO missions or who are invited to the Regional Office Seat by FAO on official business, shall be accorded the privileges and immunities specified in Section 16 of Article IX, except those specified in sub-section (i) thereof, and provided further that the persons in question are not of Chilean nationality.

Article XI

LAISSEZ-PASSER

Section 21

The Government shall recognize and accept the United Nations Laissez-passer issued to officers of FAO as a valid travel document equivalent to a passport.

Article XII

GENERAL PROVISIONS

Section 22

(a) The Director-General and the Regional Officer 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 they may deem necessary and expedient, for officers of FAO and persons members of missions of the Organization.

(b) Should the Government consider that an abuse of privilege or immunity conferred by this Agreement has occurred, the Regional Officer or the Director-General shall, upon request, consult with the appropriate Chilean authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Director-General and the Government, the matter shall be determined in accordance with the procedure set out in Article XIII.

Article XIII

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

Section 23

(a) The Government and FAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement;
(b) The Convention on Privileges and Immunities of the Specialized Agencies and this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary; but in case of conflict, the provisions of the Convention shall prevail.

Section 24

Any dispute between the Government and FAO concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationship between FAO and the Government, shall be resolved in accordance with the procedure indicated in Section 24 and Section 32 of the Convention on the Privileges and Immunities of the Specialized Agencies.


THE GOVERNMENT OF THE KINGDOM OF EGYPT

and

THE FOOD AND AGRICULTURE ORGANIZATION

OF THE UNITED NATIONS

Desiring to conclude an agreement pursuant to recommendations of the Conference of the Food and Agriculture Organization of the United Nations regarding the Near East Regional Office of the Food and Agriculture Organization of the United Nations, have agreed as follows:

Article I

DEFINITIONS

Section 1

In this Agreement:

(a) The expression “FAO” means the Food and Agriculture Organization of the United Nations;

(b) The expression “Regional Office” means the Near East Regional Office of FAO;

(c) The expression “The Government” means the Government of the Kingdom of Egypt;

(d) The expression “Director-General” means the Director-General of FAO;

(e) The expression “Regional Representative” means the Regional Representative for the Near East of the Director-General of FAO, and in his absence, his duly authorised Deputy;

1 Text of Agreement provided by FAO.
2 Entered into force on 1 January 1953.
(f) The expression "appropriate Egyptian Authorities" means such national or other authorities in the Kingdom of Egypt as may be appropriate in the context and in accordance with the laws and customs applicable in the Kingdom of Egypt;

(g) The expression "laws of the Kingdom of Egypt" includes legislative acts, and decrees, regulations or orders, issued by or under authority of the Government or appropriate Egyptian Authorities;

(h) The expression "Regional Office Seat" means the premises occupied by the Regional Office;

(i) The expression "archives of FAO" includes records and correspondence, documents, manuscripts, still and moving pictures and films; and sound recordings, belonging to or held by FAO;

(j) The expression "Officers of FAO" means all ranks of the FAO Secretariat engaged by the Director-General or on his behalf whose names are included on a list submitted to the Government;

(k) The expression "property" as used in Articles IV and V means all property, including funds and assets, belonging to FAO or held or administered by FAO in furtherance of its constitutional functions, and all income of FAO.

Article II

The Regional Office Seat

Section 2

The Government grants free of charge to FAO and FAO accepts as from the date of entry into force and during the life of this Agreement, the use and occupancy of premises and the use of installations and Office furniture suitable for the operation of the Regional Office.

Section 3

(a) Except as otherwise provided in this Agreement, the laws of the Kingdom of Egypt shall apply within the Regional Office Seat;

(b) Except as otherwise provided in this Agreement, the national, state and local courts of the Kingdom of Egypt shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the Regional Office Seat.

Section 4

(a) The Regional Office Seat shall be inviolable. No national or local officer or official of Egypt or other person exercising any public authority within the Kingdom of Egypt shall enter the Regional Office Seat to perform any duties therein except with the consent of, and under conditions approved by the Regional Representative or the Director-General. The service of legal process, including the seizure of private property, may take place within the Regional Office Seat only with the consent of, and under conditions approved by the Regional Representative or the Director-General.

(b) Without prejudice to Article VII, FAO shall prevent the Regional Office Seat from being used as a refuge by persons who are avoiding arrest under any law of the Kingdom of Egypt, required by the Government for extradition to another country, or endeavouring to avoid service of legal process.
(c) The appropriate Egyptian authorities shall exercise due diligence to ensure that the tranquility of the Regional Office Seat is not disturbed by any person or group of persons attempting unauthorised entry or creating disturbances in the immediate vicinity of the Regional Office Seat.

Article III

Communications

Section 5

FAO shall enjoy for its duly authenticated official communications treatment not less favorable than that accorded by the Government to any other Organization or Government, including diplomatic missions of such other Government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, tele-photos, telephone and other communications; and press rates for information to press and radio.

Section 6

FAO shall be entitled for its official purposes to use the railway facilities of the Government at special tariffs which shall not exceed the lowest rates of fares and freights accorded to Egyptian governmental administrations. The Government will endeavour to arrange for FAO to use air and other transportation services of private companies at the same rates accorded to the Government.

Section 7

(a) All duly authenticated official communications directed to the Regional Office, or to any of its officers at the Regional Office Seat, and all duly authenticated outward official communications of the Regional Office by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures and films, and sound recordings. In case of emergency requiring the enforcement of censorship in Egypt, the appropriate Egyptian authorities shall consult with the Regional Representative with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Egyptian authorities in order to avoid abuse of the immunity from censorship enjoyed by the official communications of FAO and its officers.

(b) FAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between FAO and the Government.

Article IV

Juridical Personality and Freedom of Assembly

Section 8

The Government recognises the juridical personality of FAO and, in particular, its capacity;
(a) To contract;
(b) To acquire and dispose of movable and immovable property in accordance with the laws of the country;
(c) To institute legal proceedings.

Section 9

The Government recognises the right of FAO to convene meetings within the Regional Office Seat, or with the concurrence of the appropriate Egyptian Authorities, elsewhere in Egypt. At meetings convened by FAO, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussion and decision.

Article V

PROPERTY OF FAO AND TAXATION

Section 10

FAO and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case FAO shall have expressly waived its immunity. It is however understood that no waiver of immunity shall extend to any measures of execution.

Section 11

The property of FAO, wherever located and by whomsoever held shall be immune from search, requisition, confiscation, and any other form of interference, whether by executive, administrative, juridical or legislative action, and it may only be appropriated by the Government on account of necessity and by agreement between FAO and the Government, subject to adequate compensation.

Section 12

The archives of FAO and in general all documents belonging to FAO or held by it shall be inviolable wherever located.

Section 13

(a) FAO and its property shall be exempt from any form of direct taxation.

It is understood, however, that FAO will not claim exemption from taxes which are in fact no more than charges for public utility services.

(b) Articles and goods imported or exported by FAO for official purposes shall be exempt from customs duties and other levies, prohibitions and restrictions on imports and exports. Such articles and goods shall include, without limitation by reason of this enumeration, publications, still and moving pictures, and film and sound recordings. It is understood, however, that such articles and goods imported or exported under such exemption will not be sold or ceded in Egypt except under conditions agreed with the Government.

While the Organization will not, as a general rule, in the case of minor purchases, 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 of Egypt shall make appropriate administrative arrangements for the remission of return of the amount of duty or tax.

(c) The Government shall continue to grant allotments of gasoline or other required fuels and lubricating oils for vehicles required for the official use of FAO in quantities and at rates prevailing for diplomatic missions in Egypt.

**Article VI**

**FINANCIAL FACILITIES**

**Section 14**

(a) Without being restricted by any financial controls, regulations or moratoria of any kind, FAO may freely:

(i) Purchase negotiable currencies at authorised banks and hold and dispose of them; operate currency accounts; and purchase through authorised channels hold and dispose of funds and securities;

(ii) Transfer its funds, securities and currencies to or from Egypt, from or to any other country, or within Egypt.

(b) FAO shall, in exercising its right under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations while at the same time safeguarding the interests of FAO.

**Section 15**

The Government shall assist FAO to obtain the most favourable conditions as regards exchange rates, banking commissions in exchange transactions, and the like.

**Article VII**

**OFFICIAL TRAVEL**

**Section 16**

(a) The appropriate Egyptian Authorities shall impose no impediment to transit to or from the Regional Office Seat of the following persons, irrespective of their nationalities, and shall afford them any necessary protection in transit:

(i) Officers of FAO and their families;

(ii) Officers of the Regional Office, their families and other members of their household;

(iii) Persons, other than officers of FAO, performing missions for FAO, and their spouses;

(iv) Other persons invited to the Regional Office Seat by FAO on official business. The Regional Representative or the Director-General shall communicate the names of such persons to the Government within a reasonable time.

(b) This section shall not apply to general interruptions of transportation, and shall not impair the effectiveness of generally applicable laws as to the operation of means of transportation.

(c) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.
(d) No activity performed by any such person in his official capacity as described in sub-section (a) shall constitute a reason for preventing his entry into Egypt or for requiring him to leave Egypt.

(e) In case of abuse of the privilege of residents by any such person in activities in Egypt outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Kingdom of Egypt regarding the continued residence of aliens, provided that:

(i) No proceeding shall be instituted under such laws to require any such person to leave Egypt except with the prior approval of the Minister of Foreign Affairs of the Kingdom of Egypt;

(ii) Such approval shall be given only after consultation with the Regional Representative or the Director-General;

(iii) Persons who are entitled to diplomatic privileges and immunities shall not be required to leave Egypt otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Kingdom of Egypt.

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Article VIII

OFFICERS

Section 17

Officers of FAO shall enjoy within and with respect to the Kingdom of Egypt the following privileges and immunities:

(a) Immunity from seizure of their personal and official baggage;

(b) Immunity from legal process of any kind from personal arrest or detention with respect to 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 officers of FAO;

In any case the Government shall take all possible measures to protect FAO officers and their families against unwarranted detention;

(c) Exemption from any form of direct taxation on salaries, emoluments and indemnities paid to them by FAO;

(d) Exemption for officers of other than Egyptian citizenship from any form of direct taxation on income derived from sources outside Egypt;

(e) Exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(f) Exemption from national service obligations, provided that with respect to Egyptian citizens such exemption shall be confined to officers whose names have, by reason of their duties, been placed upon a list compiled by FAO and approved by the Government; provided further, that should other officers who are Egyptian citizens be called up for national service, the Government shall, upon request of FAO, grant such temporary deferments in the call-up of such officers, as may be necessary to avoid interruption in the continuation of essential work;

(g) For officers who are not Egyptian citizens, the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Egypt;
(h) The same protection and repatriation facilities with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crisis;

(i) The right to import free of duty and other levies prohibitions and restrictions on imports;

(i) Their furniture and effects including one automobile each at the time of first taking up their posts in Egypt, or upon their permanent appointment to them,

(ii) Necessary additions to, or replacements of the same thereafter.

It is understood that duty will become payable in the event of sale or disposal to a person not entitled to this exemption.

Section 18

(a) In addition to the privileges and immunities specified in Section 17;

(i) The Director-General, the Deputy Director-General, the Regional Representative in Egypt and his Deputy 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 laws and usage;

(ii) On the recommendation of the Regional Representative to the Ministry of Foreign Affairs certain additional senior Officers of FAO, attached to the staff of the Regional Office and whose number shall be determined by mutual agreement, may be accorded individually, and on the grounds of their responsibilities in FAO, privileges and immunities, exemption and facilities not less than those accorded to members of the Diplomatic Corps of similar rank;

(iii) Officials mentioned in these sub-sections (i) and (ii) shall have the right to import free of duty and other levies, prohibitions and restrictions on imports, through the medium of FAO, reasonable quantities to be agreed upon in accordance with a procedure to be established between the Government and FAO of foodstuffs, alcoholic beverages, cigars, cigarettes, tobacco and other articles for personal use and consumption and not for gift or sale.

(b) All Officers of the Regional Office not mentioned in sub-section (a) shall be supplied with a special card certifying the fact that they are officers of FAO enjoying the privileges and immunities specified in this Agreement and in particular in Section 17.

Section 19

Persons, other than officers of FAO, who are members of FAO missions, or who are invited to the Regional Office Seat by FAO on official business, shall be accorded the privileges and immunities specified in Section 17, except sub-section (i).

Section 20

The Government shall recognise and accept as a valid travel document equivalent to a passport, the United Nations Laissez-passer issued to Officers of FAO under administrative arrangements concluded between the Director-General of FAO and the Secretary-General of the United Nations.
Section 21

(a) The privileges and immunities accorded by this Article are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. FAO shall waive the immunity of any Officer in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(b) FAO and its officers shall co-operate at all times with the appropriate Egyptian authorities to facilitate the proper administration of justice, to secure the observance of police regulations and to prevent the occurrence of any abuses in connection with the privileges and immunities accorded by this article.

(c) FAO shall at the request of the Government withdraw from the territory of Egypt any FAO officer whose conduct, apart from his official duties, is found to be contrary to the interest of the Government.

Article IX

GENERAL PROVISIONS

Section 22

(a) The Regional Representative and the Director-General 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 they may deem necessary and expedient for officers of FAO and persons performing missions for FAO;

(b) Should the Government consider that an abuse of privilege or immunity conferred by this Agreement has occurred, the Director-General or the Regional Representative shall, upon request consult with the appropriate Egyptian authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Director-General and the Government, the matter shall be determined in accordance with the procedure set out in Article X.

(c) Without prejudice to the independent and proper working of FAO, the Government may, after consultation with the Regional Representative of the Director-General, take all precautionary measures necessary to the national interests and security.

Article X

SUPPLEMENTAL AGREEMENT AND SETTLEMENT OF DISPUTES

Section 23

(a) The Government and FAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement;

(b) The Convention on Privileges and Immunities of the Specialized Agencies and the present Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary; but in case of conflict, the provisions of this Agreement shall prevail.

Section 24

Any dispute between FAO and the Government concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationship
between FAO and the Government, 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 chosen by the Director-General, one to be chosen by the Minister of Foreign Affairs of the Kingdom of Egypt, and the third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

Article XI

Operation of This Agreement

Section 25

(a) This Agreement shall enter into force upon an exchange of notes between the duly authorised representative of the Government and the Director-General.

(b) Consultations with respect to modification of this Agreement shall be entered into at the request of the Government or FAO. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose to enable the Regional Office fully and efficiently to discharge its responsibilities and fulfil its purpose.

(d) Wherever this Agreement imposes obligations on the appropriate Egyptian authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(e) This Agreement and any supplementary agreement entered into by the Government and FAO pursuant to this Agreement shall cease to be in force six months after either the Government or FAO shall have given notice in writing to the other, of its decision to determinate this Agreement, except for such provisions as may be applicable in connection with the orderly termination of the operations of FAO at its Regional Office in the Kingdom of Egypt, and the disposition of its property therein.


THE GOVERNMENT OF THE KINGDOM OF THAILAND
AND THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

Desiring to conclude an agreement pursuant to recommendations of the Conference of the Food and Agriculture Organization of the United Nations regarding the Far East Regional Office of the Food and Agriculture Organization of the United Nations, have agreed as follows:

1 Identical Agreement was concluded with the Government of Ghana (entered into force on 22 December 1959).
2 Text of Agreement provided by FAO.
Article I

DEFINITIONS

Section 1

In this Agreement:

(a) The expression “FAO” means the Food and Agriculture Organization of the United Nations;

(b) The expression “Regional Office” means the Far East Regional Office of FAO;

(c) The expression “The Government” means the Government of the Kingdom of Thailand;

(d) The expression “Director-General” means the Director-General of FAO, and during his absence from duty the Deputy Director-General of FAO, or any officer designated by him to act on his behalf;

(e) The expression “Regional Representative” means the Regional Representative for Asia and the Far East of the Director-General of FAO, and in his absence, his duly authorized Deputy;

(f) The expression “appropriate Thai Authorities” means such national, or other authorities in the Kingdom of Thailand as may be appropriate in the context and in accordance with the laws and customs applicable in the Kingdom of Thailand;

(g) The expression “laws of the Kingdom of Thailand” includes legislative acts and decrees, regulations or orders, issued by or under authority of the Government or appropriate Thai authorities;

(h) The expression “Member Nation” means a nation which is a member of FAO;

(i) The expression “Representatives of Member Nations” includes all representatives, alternates, advisers and technical experts and secretaries of delegations;

(j) The expression “meetings convened by FAO” means meetings of the Conference of FAO, the Council of FAO, any international conference or other gathering convened by FAO, and any commission, committee or sub-group of any of these bodies;

(k) The expression “Regional Office Seat” means the premises occupied by the Regional Office;

(l) The expression “archives of FAO” includes records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings belonging to or held by FAO;

(m) The expression “Officers of FAO” means all ranks of the FAO Secretariat engaged by the Director-General or on his behalf, other than manual workers locally recruited;

(n) The expression “property” as used in Article VIII, means all property, including funds and assets, belonging to FAO or held or administered by FAO in furtherance of its constitutional functions, and all income of FAO.

Article II

JURIDICAL PERSONALITY AND FREEDOM OF ASSEMBLY

Section 2

The Government recognizes the juridical personality of FAO, and FAO shall have the capacity,
(a) To contract;
(b) To acquire and dispose of movable and immovable property;
(c) To institute legal proceedings.

Section 3
The Government recognizes the right of FAQ to convene meetings within the Regional Office Seat, or with the concurrence of the appropriate Thai authorities, elsewhere in Thailand. At meetings convened by FAQ, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussions and decision.

Article III
The Regional Office Seat

Section 4
The Government grants free of charge to FAQ and FAG accepts as from the date of entry into force and during the life of this Agreement, the use and occupancy of premises known as Maliwan Mansion located at Phra Atit Road, Bangkok, and the use of installations and office furniture therein contained for the operation of the Regional Office. Such installations and furniture shall be described in an exchange of notes between FAQ and the Government to be effected at the time of entry into force of this Agreement.

Section 5
With respect to the Regional Office Seat and the installations therein provided by the Government:
(a) Except in case of faults attributable to FAQ, the Government shall be responsible for all charges of major repairs of a non-recurring nature, in particular, but without limitation by reason of this enumeration, the repair of damage resulting from fire, force majeure, structural defects or deterioration; for the replacement, when and if necessary, of such installations, and for the replacement within a reasonable period, of any building or part thereof in the Regional Office Seat which may be totally or partially destroyed;
(b) FAQ shall be responsible for all ordinary repairs for the upkeep and maintenance of the premises and installations.

Article IV
Inviolability of the Regional Office Seat

Section 6
(a) The Government recognizes the inviolability of the Regional Office Seat which shall be under the control and authority of FAQ, as provided in this Agreement.
(b) No officer or official of the Government, whether administrative, judicial, military or police shall enter the Regional Office Seat to perform any official duties therein except with the consent of, and under conditions agreed to, by the Director-General or the Regional Representative.
(c) Without prejudice to the provisions of Article X, FAQ shall prevent the Regional Office Seat 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 endeavoring to avoid service of legal process or judicial proceedings.

Article V

PROTECTION OF THE REGIONAL OFFICE SEAT

Section 7
(a) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquillity of the Regional Office Seat is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbances in the immediate vicinity of the Regional Office Seat.

(b) If so requested by the Regional Representative, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of law and order in the Regional Office Seat and for the removal therefrom of offenders.

Article VI

PUBLIC SERVICES

Section 8
(a) The appropriate Thai authorities shall exercise, to the extent requested by the Director-General or the Regional Representative, their respective powers to ensure that the Regional Office Seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, fire protection, electricity, water, sewerage, post, telephone, and telegraph, and that such services shall be supplied on equitable terms. In case of any interruption or threatened interruption of any such services, the appropriate Thai authorities shall consider the needs of FAO as being of equal importance with those of essential agencies of the Government and shall take steps accordingly to ensure that the work of FAO is not prejudiced.

(b) Where electricity or water is supplied by appropriate Thai authorities or bodies under their control, FAO shall be supplied at special tariffs which shall not exceed the lowest rates accorded to Thai governmental administration.

Article VII

COMMUNICATIONS

Section 9
FAO shall enjoy for its official communications treatment not less favorable than that accorded by the Government to any other Organization or Government, including the diplomatic mission of any such other Government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to press and radio.

Section 10
FAO 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 11

(a) No censorship shall be applied to the official correspondence nor other communications of FAO. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, and films and sound recordings. In case of emergency requiring the enforcement of censorship in Thailand, the appropriate Thai authorities shall consult with the Regional Representative with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Thai authorities in order to avoid abuse of the immunity from censorship enjoyed by the official communications of FAO and its officers.

(b) FAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between FAO and the Government.

Article VIII

Property of FAO and Taxation

Section 12

FAO, 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 the Director-General shall have expressly waived its immunity. It is however understood that no waiver of immunity shall extend to any measure of execution.

Section 13

The property and assets of FAO, 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 14

The archives of FAO, and in general all documents belonging to FAO or held by it, shall be inviolable wherever located.

Section 15

The assets, income and other property of FAO shall be exempt:

(a) From any form of direct taxation. FAO, 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 FAO for its official use, on the understanding that articles imported under such exemption will 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, still and moving pictures and films and sound recordings.
Section 16

(a) FAO shall be exempt from levies and duties on operations and transactions, and from excise duties, sales and luxury taxes and all other indirect taxes when it is making important purchases for official use by P AO of property on which such duties or taxes are normally chargeable. However, FAO 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 sale price;

(b) The Government shall grant allotments of gasoline or other required fuels and lubricating oils for vehicles required for the official use of FAO in quantities and at rates prevailing for diplomatic missions in Thailand.

Article IX

FINANCIAL FACILITIES

Section 17

(a) Without any financial controls, regulations or moratoria of any kind:
   (i) FAO may hold funds, gold or currency of any kind and operate foreign currency accounts in any currency;
   (ii) FAO 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) FAO 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 interest of FAO.

(c) The Government shall render to FAO the same privileges as accorded to diplomatic missions in respect of exchange facilities.

Article X

TRANSIT AND RESIDENCE

Section 18

(a) The appropriate Thai authorities shall impose no impediment to transit to or from the Regional Office Seat, or to residence of the following persons, irrespective of their nationalities, when on official FAO business, and shall afford them any necessary protection:
   (i) The Chairman of the Council of FAO, representatives of Member Nations, the United Nations, or any Specialized Agency of the United Nations, and their spouses;
   (ii) Officers of FAO and their families;
   (iii) Officers of the Regional Office, their families and other members of their households;
   (iv) Persons other than officers of FAO, performing missions for FAO, and their spouses;
   (v) Other persons invited to the Regional Office Seat on official business. The Regional Representative or the Director-General shall communicate the names of such persons to the Government within a reasonable time;
(b) This section shall not apply to general interruptions in transportation, which shall be dealt with as provided in Section 8 (a) and shall not impair the effectiveness of generally applicable laws as to the operation of means of transportation.

(c) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any such person in his official capacity as described in sub-section (a) shall constitute a reason for preventing his entry into Thailand or for requiring him to leave Thailand.

(e) In case of abuse of the privilege of transit or residence by any such person in activities in Thailand outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Kingdom of Thailand regarding residence of aliens, provided that:

(i) No proceeding shall be instituted under such laws to require any such person to leave Thailand except with the prior approval of the Minister of Foreign Affairs of the Kingdom of Thailand;

(ii) In the case of the representative of a Member Nation, such approval shall be given only after consultation with the government of the appropriate Member Nation;

(iii) In the case of any other person mentioned in sub-section (a), such approval shall be given only after consultation with the Regional Representative of the Director-General, the Secretary-General of the United Nations or the principal executive officer of the appropriate Specialized Agency, as the case may be;

(iv) A representative of the Member Nation concerned, the Regional Representative or the Director-General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be, shall have the right to appear and be heard in any such proceedings on behalf of the person against whom they shall have been instituted;

(v) Persons who are entitled to diplomatic privileges and immunities shall not be required to leave Thailand otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Kingdom of Thailand;

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Article XI

CHAIRMAN OF COUNCIL AND REPRESENTATIVES AT MEETINGS

Section 19

The Chairman of the Council of FAO, representatives of Member Nations, representatives or observers of other Nations, and representatives of the United Nations and its Specialized Agencies at meetings convened by FAO shall be entitled, in the territory of Thailand while exercising their functions and during their journeys to and from the Regional Office Seat and other places of meetings, to the same privileges and immunities as are provided for under Article V (Sections 13 to 17 inclusive) of the Convention on the
Privileges and Immunities of the Specialized Agencies, and in paragraph 1 of Annex 2 to that Convention.

Article XII

Officers of FAO, Members of FAO Missions,
Persons invited to the Regional Office Seat on Official Business

Section 20

Officers of FAO shall enjoy within and with respect to the Kingdom of Thailand 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 with respect to words spoken or written and all acts performed by them in their official capacity, such immunity to continue notwithstanding the fact that the persons concerned might have ceased to be officers of FAO;
(d) Exemption from any form of direct taxation on salaries and emoluments paid to them by FAO;
(e) Exemption for officers of other than Thai citizenship from any form of direct taxation on income derived from sources outside Thailand;
(f) Exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;
(g) Exemption from national service obligations for officers of FAO who are not Thai citizens;
(h) For officers who are not Thai citizens, freedom to maintain within Thailand or elsewhere foreign securities and other movable and immovable property; and while employed by FAO and at the time of termination of such employment, the right to take out of Thailand funds in United States dollars or other currencies without any restrictions or limitation provided that the said officers can show good cause for their lawful possession of such funds. In particular, they shall have the right to take out of Thailand their funds in the same currencies and up to the same amounts as they brought into Thailand through authorized channels;
(i) The same protection and repatriation facilities with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crisis;
(j) The right to import, free of duty and other levies, prohibitions and restrictions on import, their furniture and effects within six months after first taking up their posts in Thailand, or, in the case of officers who have not completed their probationary periods, within six months after confirmation of their employment with FAO; 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 21

The names of the officers of FAO shall be communicated to the appropriate Thai authorities from time to time.

Section 22

(a) The Government shall accord to the Regional Representative and senior officers of the Regional Office designated by the Director-General diplomatic privileges and immunities.
(b) For this purpose the Regional Representative and senior officers of
the Regional Office shall be incorporated by the Ministry of Foreign Affairs,
in consultation with the Director-General, into the appropriate diplomatic
categories and shall enjoy the customs exemptions granted to such diplomatic
categories in Thailand.

(c) All officers of FAO shall be provided with a special identity card
certifying the fact that they are officers of FAO enjoying the privileges and
immunities specified in this Agreement.

Section 23

Persons other than officers of FAO, who are members of FAO missions,
or who are invited to the Regional Office Seat by FAO on official business,
shall be accorded the privileges and immunities specified in Section 20,
except those specified in sub-section (j).

Section 24

(a) The privileges and immunities accorded by this Article are conferred
in the interests of FAO and not for the personal benefit of the individuals
themselves. The Director-General shall waive the immunity of any Officer
in any case where, in his opinion, the immunity would impede the course of
justice and could be waived without prejudice to the interests of FAO.

(b) FAO and its officers shall co-operate at all times with the appropriate
Thai authorities to facilitate the proper administration of justice, to secure
the observance of police regulations and to prevent the occurrence of any
abuses in connection with the privileges and immunities accorded by this
Article.

Article XIII

LAISSEZ-PASSER

Section 25

The Government shall recognize and accept the United Nations Laissez-
passer issued to officers of FAO, and to the Chairman of the Council, 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.

Section 26

Similar facilities to those specified in Section 25 shall be accorded to
persons, who, though not the holders of United Nations Laissez-passer, have
a certificate that they are traveling on the business of FAO.

Article XIV

GENERAL PROVISIONS

Section 27

(a) The Director-General and the Regional Representative 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 they may deem necessary and expedient for officers
of FAO and persons performing missions for FAO.

(b) Should the Government consider that an abuse of privilege or im-
munity conferred by this Agreement has occurred, the Director-General or
the Regional Representative shall, upon request, consult with the appropriate Thai authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Director-General and the Government, the matter shall be determined in accordance with the procedure set out in Article XV.

**Article XV**

**SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES**

**Section 28**

(a) The Government and FAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement.

(b) Upon accession by Thailand to the Convention on the Privileges and Immunities of the Specialized Agencies, such Convention and this Agreement shall, where they relate to the same subject matter, be treated as complementary.

**Section 29**

Any dispute between FAO and the Government concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationships between FAO and the Government, 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 chosen by the Director-General, one to be chosen by the Minister of Foreign Affairs of the Kingdom of Thailand, and the third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

**Article XVI**

**ENTRY INTO FORCE, OPERATION, AND DENUNCIATION**

**Section 30**

(a) This Agreement shall enter into force upon approval by the FAO Council and ratification by the Government.

(b) Consultations with respect to modification of this Agreement shall be entered into at the request of the Government or FAO. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose to enable the Regional Office fully and efficiently to discharge its responsibilities and fulfill its purpose.

(d) Where 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 supplemental agreement entered into by the Government and FAO pursuant to this Agreement shall cease to be in force six months after either the Government or FAO shall have given notice in writing to the other of its decision to terminate this Agreement, except for such provisions as may be applicable in connection with the orderly termination of the operations of FAO at its Regional Office in the Kingdom of Thailand and the disposition of its property therein.
21. **CONSTITUTION OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.**
*SIGNED AT LONDON, 16 NOVEMBER 1945*  

**Article XII**

**LEGAL STATUS OF THE ORGANIZATION**

The provisions of Articles 104 and 105 of the Charter of the United Nations Organization concerning the legal status of that Organization, its privileges and immunities shall apply in the same way to this Organization.

22. **ÉCHANGE DE LETTRES ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CUBA ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE, EN DATE DES 30 AOUT ET 9 SEPTEMBRE 1949**

Monsieur le Directeur général,

J'ai l'honneur de me référer à la résolution adoptée le 13 juin 1949 par le Conseil exécutif de l'Organisation des Nations Unies pour l'éducation, la science et la culture, relativement à l'établissement à La Havane d'un Bureau régional pour l'hémisphère occidental.

A la suite des échanges de vues intervenus entre nous à ce sujet, je désire préciser comme suit les facilités, immunités et privilèges que le Gouvernement de la République de Cuba est disposé à accorder ou à reconnaître sur son territoire à l'Organisation des Nations Unies pour l'éducation, la science et la culture, en vue de l'établissement à La Havane du Bureau régional prévu à la résolution précitée:

A. **- Facilités matérielles**

1. — Le Gouvernement cubain mettra gratuitement à la disposition de l'Organisation des Nations Unies pour l'éducation, la science et la culture, les locaux nécessaires à l'exercice de l'activité de son Bureau régional pour

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2 States which are parties (up to 1 January 1960): Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic (with reservation), United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yugoslavia.
3 Le texte de ces lettres a été fourni par l'Organisation des Nations Unies pour l'éducation, la science et la culture.
l'hémisphère occidental. Ces locaux seront meublés de manière adéquate par le Gouvernement cubain. Le choix desdits locaux, leur changement éventuel, se fera d'un commun accord entre le Gouvernement cubain et le Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture.

2. — Le Gouvernement cubain s'engage à verser à l'Organisation, indépendamment de la participation financière prévue à l'Article IX de l'Acte constitutif de l'UNESCO, une subvention annuelle spéciale de dix mille dollars (U.S.A.), qui sera affectée aux frais du bureau régional pour l'hémisphère occidental. Le Gouvernement cubain versera à titre de subvention pour l'année 1949 le montant intégral de dix mille dollars prévu ci-dessus.

B. — Inviolabilité des locaux et lieux de réunion de l'Organisation

1. — Les locaux occupés par le Bureau régional pour l'hémisphère occidental seront inviolables. Ils seront considérés comme des locaux de l'Organisation et placés sous l'autorité et le contrôle exclusifs des représentants de cette Organisation, qui auront seuls le droit d'en autoriser ou d'en interdire l'entrée, et pourront en expulser toute personne.

Sur requête des représentants de l'Organisation, les autorités cubaines compétentes leur prêteront les services des forces de police qui pourraient être éventuellement nécessaires à cet effet.

L'Organisation ne permettra pas que les locaux susdits servent de refuge à une personne contre laquelle un mandat de justice aura été lancé par les autorités cubaines.

2. — Les autorités cubaines compétentes assureront toute protection de police nécessaire à l'extérieur des locaux susvisés.

3. — Les dispositions des sections 1 et 2 du présent titre s'appliqueront également à tout autre local qui pourra être affecté à la tenue d'une conférence ou réunion internationale, régionale ou technique convoquée à Cuba par l'Organisation, et ce pendant la durée de l'affectation dudit local à la tenue de la conférence ou réunion.

C. — Liberté d'accès

1. — La liberté d'accès aux locaux de l'Office régional et autres lieux où pourront se tenir des conférences ou réunions convoquées par l'Organisation, sera garantie sans restriction. Le Gouvernement cubain autorisera l'entrée à Cuba, sans frais de visa ni délai, des personnes suivantes:

a) Les représentants des États membres de l'Organisation aux conférences ou réunions convoquées à Cuba par l'Organisation;

b) Les membres du Conseil exécutif de l'Organisation et leurs suppléants;

c) Les fonctionnaires de l'Organisation;

d) Toute personne invitée à participer à une conférence ou réunion convoquée à Cuba par l'Organisation ou invitée par le Directeur général de l'Organisation, ou son représentant à La Havane, à se rendre au siège de l'Office régional pour affaires officielles;

e) Pendant la durée d'une conférence ou réunion convoquée par l'Organisation, les représentants de la presse, de la radio ou du cinéma, ou de toute autre agence d'information, agréée par l'Organisation, et dont les
noms auront été communiqués par elle huit jours à l'avance au Gouvernement cubain.

2. — Sans préjudice des immunités spéciales dont elles auront reçu le bénéfice, et notamment des immunités prévues aux titres D et F, les personnes visées à la section 1 du présent titre ne pourront, pendant toute la durée de leurs fonctions ou mission, y compris le temps du voyage sur le territoire de Cuba, être l'objet de mesures d'arrestation, de saisie de leurs bagages personnels ou d'une procédure d'expulsion, que dans le cas où elles abuseraient des privilèges de séjour qui leur sont reconnus en poursuivant sur le territoire de Cuba une activité sans rapport avec leurs fonctions et tombant sous le coup de la législation cubaine.

D. — Statut diplomatique


2. — Le Directeur du Bureau régional et son adjoint, de même que leurs conjoints et leurs enfants mineurs, jouiront sur le territoire de Cuba des privilèges, immunités, exemptions et facilités accordés par le Gouvernement cubain aux envoyés diplomatiques accrédités auprès de lui.

E. — Franchise postale

La correspondance officielle du Bureau régional bénéficiera de la franchise postale, conformément aux arrangements administratifs à arrêter d'un commun accord entre les autorités cubaines compétentes et le Directeur général de l'Organisation.

F. — Application provisoire de certaines dispositions de la Convention sur les privilèges et immunités des institutions spécialisées

En attendant l'entrée en vigueur de la Convention sur les privilèges et immunités des institutions spécialisées entre le Gouvernement cubain et l'Organisation, les dispositions des sections 3, 4, 6, 7, 8, 9, 10, 11 et 12 de ladite Convention seront appliquées à l'Organisation. Les dispositions des sections 19, 20, 22 et 23 seront de même appliquées aux fonctionnaires de l'Office régional.

Par ailleurs, le Gouvernement cubain reconnaîtra et acceptera comme titre valable de voyage les laissez-passer des Nations Unies délivrés aux fonctionnaires de l'Organisation.

G. — Règlement des différends

Tout désaccord survenu entre l'Organisation et le Gouvernement cubain sur l'interprétation ou l'application des présentes dispositions, ou de toutes
dispositions additionnelles qui seraient ultérieurement convenues, sera, s'il n'est pas réglé par voie de négociation ou par tout autre mode de règlement agréé par les parties, soumis, aux fins de décision définitive, à un tribunal composé de trois arbitres, dont l'un sera désigné par le Directeur général de l'Organisation, le second par le Ministre des affaires étrangères du Gouvernement cubain, et le troisième choisi par le Président de la Cour internationale de Justice.

Si les dispositions qui précèdent rencontrent l'agrément de l'Organisation des Nations Unies pour l'éducation, la science et la culture, je proposerai que la présente lettre et la réponse que vous voudrez bien y faire soient considérées comme constituant l'accord prévu par la résolution précitée du Conseil exécutif de l'Organisation, et que cet accord entre en vigueur à la date de la réception de votre réponse, l'accord cessant d'avoir effet au cas où le Bureau régional de l'hémisphère occidental viendrait à être supprimé ou serait transféré hors du territoire de la République de Cuba.

Je vous prie d'agréer, Monsieur le Directeur général, les assurances renouvelées de ma très haute considération.

(Signé) Carlos HEVIA

Ministre des affaires étrangères
de Cuba.

9 Septembre 1949

XR/NC/120201

Excellence,

J'ai l'honneur d'accuser réception de votre lettre en date du 30 août 1949 concernant les facilités, privilèges et immunités que le Gouvernement cubain accordera à l'Organisation des Nations Unies pour l'éducation, la science et la culture, en vue de l'établissement à La Havane d'un Bureau régional pour l'hémisphère occidental.

En réponse, je tiens à vous faire connaître que j'accepte au nom de l'Organisation des Nations Unies pour l'éducation, la science et la culture les dispositions contenues dans votre lettre précitée.

Conformément à la proposition que vous formulez, votre lettre et la présente réponse seront considérées comme constituant l'accord prévu par le Conseil exécutif de l'Unesco en cette matière.

En vous transmettant cette réponse, je tiens, Excellence, à vous exprimer mes vifs remerciements pour l'esprit d'étroite coopération à l'œuvre de l'Organisation manifesté par votre Gouvernement et pour l'appui qu'il a décidé d'accorder au Bureau régional pour l'hémisphère occidental.

Je vous prie d'agréer, Excellence, les assurances de ma très haute considération.

Jaimes TORRES BODET

Son Excellence Monsieur le Ministre
des affaires étrangères de la République,
La Havane (Cuba).
23. AGREEMENT ¹ BETWEEN UNESCO AND THE MEXICAN GOVERNMENT REGARDING THE ESTABLISHMENT OF A REGIONAL CENTRE FOR THE TRAINING OF PERSONNEL AND FOR THE PREPARATION OF FUNDAMENTAL EDUCATION MATERIAL IN LATIN AMERICA. SIGNED ON 11 SEPTEMBER 1950 ²

I

Establishment of the Centre

Article 1. There shall be established in the territory of the United States of Mexico, a Centre for the Training of Personnel and for the Preparation of Fundamental Education Material, hereinafter called "the Centre".

Article 2. The Centre shall be an autonomous service of UNESCO with complete financial independence, controlled by a Director who shall have the necessary authority to carry out the programme of the Centre and to conclude contracts with third parties.

Article 3. Under its programme, the Centre may seek the co-operation of any Specialized Agency or international organization.

II

Facilities granted by the Mexican Government

Article 4. The Mexican Government undertakes to:

(a) Place at the disposal of the Centre such grounds and premises as may be determined by agreement between the Mexican Government and UNESCO, the Government retaining the ownership of the same; the Mexican Government further undertakes to make any changes, repairs or renovations (including the installation or modernization of buildings and electric, telephone or sanitary facilities) that may be necessary to adapt the building to the requirements of the Centre, and to keep it in good repair;

(b) To provide for the upkeep, within a radius of twenty kilometres from the Centre, of at least two primary rural schools working regularly, and to allow these schools to be used for the practical training of the students from the Centre and for experimenting with the model educational material produced in the Centre;

(c) To provide the necessary furniture for the buildings attached to the Centre, with the exception of technical equipment, which shall be supplied by UNESCO;

(d) To grant free railway transport in its territory for the students and teachers of the Centre when they are travelling on official business;

¹ Text of Agreement provided by the United Nations Educational, Scientific and Cultural Organization.
² Came into force upon its signature (art. 9).
To supply and maintain the necessary vehicles (with drivers) for the local transport of the teachers and students of the Centre, more particularly for work within the Centre and its vicinity.

**Article 5.** The Mexican Government shall grant the Fundamental Education Centre for Latin America and such of its officials as are not of Mexican nationality the following privileges:

A. **With regard to the Centre itself**

Pending the entry into force of the Convention on the Privileges and Immunities of the Specialized Agencies between the Mexican Government and UNESCO, the provisions of sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the said Convention shall be applicable to the Centre.

The Centre's official correspondence shall be exempt from postal charges, in accordance with the legal regulations of the country, international conventions and administrative arrangements to be fixed by common agreement between the competent Mexican authorities and the Director of the Centre.

B. **With regard to the staff of the Centre**

The Director of the Centre and his assistants, together with their wives and minor children, shall enjoy, throughout the territory of Mexico, the privileges, exemptions and facilities granted by the Mexican Government to accredited diplomatic representatives in the country.

Moreover, the provisions of sections 19, 20, 22 and 23 of the Convention on the Privileges and Immunities of the Specialized Agencies shall likewise be applicable, provisionally, to the officials of the Centre.

Other officials, together with their wives and minor children, shall enjoy the same privileges as comparable officials forming part of diplomatic missions accredited to the Mexican Government.

The Mexican Government shall recognize and accept, as valid travel permits, the United Nations pass issued to officials of the Organization, to whom there will be granted without charge an official visa, in order to enter Mexico.

C. **With regard to free access to the Centre**

The Mexican Government shall grant free entrance visas to the following persons:

(a) Members of UNESCO attached to the Centre or responsible for establishing contact with it,

(b) Experts and lecturers, and

(c) Students appointed by the various States of Latin America to attend lectures or seminars at the Centre.

There shall be granted to the persons mentioned in sections (a), (b) and (c) above official visas, valid for the entire duration of the period, while discharging their duties or while connected with the Centre.

**Article 9.** The present agreement is concluded for the life-time of the Centre.

It shall come into force immediately upon its signature.
24. EXCHANGE OF LETTERS BETWEEN THE REPUBLIC OF INDONESIA AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION. DATED 29 JANUARY AND 15 FEBRUARY 1951

I

MINISTRY OF EDUCATION AND CULTURE
OF THE REPUBLIC OF INDONESIA

Djakarta, 29th January, 1951

No. 2161/51/A.
Subject: Facilities to UNESCO Agencies.
To: Prof. Dr. Wolsky
Djakarta.

Dear Sir,

I am instructed by the Minister of Education and Culture of the Republic of Indonesia to inform you that the Indonesian Government will grant the UNESCO Agencies the same facilities as have been granted to the UNICEF.

Yours faithfully,
(Signed) Dr. Soemitro Reksodipoetro
Head, UNESCO Affairs and External Relations

II

15th February, 1951

No. 384/MoE/51.
The Hon'ble Minister,
Ministry of Education and Culture of the Republic of Indonesia,
Djakarta.

Sir,

I have the honour to acknowledge receipt of letter No. 2161/51/A dt. 29th January 1951, written on your behalf by Dr. Soemitro Reksodipoetro, Head of the Section for UNESCO Affairs and the External Relations, reading as follows:

"I am instructed by the Minister of Education and Culture of the Republic of Indonesia to inform you that the Indonesian Government will grant the UNESCO Agencies the same facilities as have been granted to the UNICEF."

I am authorized by the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to take note of this communication which, together with my present reply, constitutes a preliminary agreement between the Government of the Republic of Indonesia and UNESCO with regard to the privileges and the immunities of the officers and office bearers of UNESCO until the Government of the Republic

Text of letters provided by the United Nations Educational, Scientific and Cultural Organization.
of Indonesia will be in the position to accede to the Convention on the Privileges and Immunities of the Specialized Agencies.

May I take this opportunity to express my deep gratitude to you for all the facilities and the cordial co-operation which I received from you and your Ministry during my stay in Djakarta.

I have the honour to be,

Sir,

Yours faithfully,

(Dr. Alexander Wolsky)

Principal Scientific Officer and Director
South-East Asia Science Co-operation Office

25. ACCORD ENTRE LE GOUVERNEMENT ROYAL ÉGYPTIEN ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE RELATIF A L'ÉTABLISSEMENT EN ÉGYPTE D'UN CENTRE INTERNATIONAL D'ÉDUCATION DE BASE, EN DATE DU 25 AVRIL 1952

Considérant que la Conférence générale de l'Organisation des Nations Unies pour l'éducation, la science et la culture a, au cours de sa sixième session, décidé de créer un réseau mondial de centres internationaux d'éducation de base, en vue de combattre, par l'éducation, l'ignorance, la pauvreté et la maladie;

Considérant que le Gouvernement égyptien a offert de contribuer à l'établissement dans son territoire d'un Centre international d'éducation de base en accordant l'Organisation des Nations Unies pour l'éducation, la science et la culture toutes facilités nécessaires à cet égard;

Considérant que le Conseil exécutif de l'Organisation des Nations Unies pour l'éducation, la science et la culture a décidé, à sa vingt-huitième session, d'accepter cette offre; d'établir en Égypte, dès 1952, un Centre international d'éducation de base, et d'inviter l'Arabie Saoudite, l'Égypte, l'Irak, la Jordanie, le Liban et la Syrie à lui accorder leur concours;

Désireux de conclure un accord en vue d'assurer l'exécution des décisions précitées;

Le Gouvernement égyptien et l'Organisation des Nations Unies pour l'éducation, la science et la culture sont convenus de ce qui suit:

Article 1

Il sera établi, à Sirs-el-Layyan (Menoufia), dès 1952, un Centre international d'éducation de base ci-après désigné sous le nom de "Centre".

Article 2

Le Centre aura pour fonctions de former du personnel, de préparer du matériel d'éducation de base, et de procéder aux recherches techniques né-

cessaires en vue de favoriser le progrès de l'éducation de base en Arabie Saoudite, en Égypte, en Irak, en Jordanie, au Liban et en Syrie.

Article 3

Le Centre constituera un service autonome de l'Organisation des Nations Unies pour l'éducation, la science et la culture jouissant d'une autonomie budgétaire complète.
Il sera placé sous l'autorité d'un Directeur qui aura tous pouvoirs pour l'exécution du programme du Centre et pour passer tous contrats nécessaires avec les tiers.

Article 4

L'Organisation des Nations Unies pour l'éducation, la science et la culture fera appel à la coopération des Nations Unies et des autres institutions spécialisées pour l'assister dans la réalisation des objectifs du Centre et dans l'exécution de son programme.

Article 5

Le Gouvernement égyptien mettra gratuitement à la disposition du Centre les terrains et constructions nécessaires à son fonctionnement.
Le Gouvernement égyptien fournira gratuitement l'ameublement nécessaire au Centre, à l'exception toutefois de l'équipement technique qui sera fourni par l'Organisation des Nations Unies pour l'éducation, la science et la culture.
Les terrains, constructions et meubles mis à la disposition du Centre par le Gouvernement égyptien, demeureront la propriété de ce dernier qui en assurera l'entretien en parfait état et procédera à toutes réparations nécessaires.
Le Gouvernement égyptien pourra toutefois décider de transférer au Centre la responsabilité de l'entretien des terrains, bâtiments et meubles précités moyennant le versement d'une indemnité forfaitaire annuelle dont le montant devra être fixé d'un commun accord entre le Ministère égyptien de l'éducation nationale et le Directeur du Centre.
Le Gouvernement égyptien assurera la fourniture gratuite au Centre de l'eau, de l'électricité et du service téléphonique.

Article 9

Le Gouvernement égyptien autorisera l'entrée sans frais de visa, et le séjour en Égypte, des personnes suivantes:
(a) Les observateurs de tous les États membres de l'Organisation des Nations Unies pour l'éducation, la science et la culture, auprès du Centre;
(b) Les fonctionnaires des Nations Unies, de l'Organisation des Nations Unies pour l'éducation, la science et la culture ou de toutes autres institutions spécialisées, affectés au Centre ou chargés d'établir la liaison avec ce Centre, ainsi que les conjoints et enfants mineurs de ces fonctionnaires;
(c) Les professeurs, chargés de cours et experts, leurs conjoints et enfants mineurs;
(d) Les étudiants désignés pour suivre les cours ou stages du Centre, par l'Arabie Saoudite, l'Égypte, l'Irak, la Jordanie, le Liban et la Syrie.
Article 10

Le Gouvernement égyptien coopérera étroitement avec l'Organisation des Nations Unies pour l'éducation, la science et la culture en vue de faciliter la réalisation des objectifs du Centre et l'exécution de son programme.

Article 13

Les facilités prévues au présent accord sont accordées par le Gouvernement égyptien sans préjudice des privilèges et immunités applicables à l'Organisation des Nations Unies pour l'éducation, la science et la culture et au Centre, en tant que service autonome de l'Organisation en vertu de la Convention sur les privilèges et immunités des institutions spécialisées et de son annexe IV, ou de tout autre accord qui viendrait à être conclu entre l'Organisation et le Gouvernement égyptien.

Article 15

Le présent accord entrera en vigueur immédiatement après son approbation par le Gouvernement égyptien et par le Conseil exécutif de l'Organisation des Nations Unies pour l'éducation, la science et la culture.

26. ACCORD ENTRE LE GOUVERNEMENT ROYAL ÉGYP- TIENT ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE, EN DATE DU 25 AVRIL 1952

Considérant que l'Organisation des Nations Unies pour l'éducation, la science et la culture a établi sur le territoire égyptien un Centre de Coopération scientifique, et se propose d'établir un Centre international d'éducation de base, suivant accord bilatéral signé à Paris en date du 25 avril 1952.

Considérant qu'il convient d'accorder à certains hauts fonctionnaires de ces Centres les privilèges et immunités nécessaires pour faciliter l'accomplissement de leurs fonctions.

Désireux de conclure un accord à cet effet;

Le Gouvernement royal égyptien et l'Organisation des Nations Unies pour l'éducation, la science et la culture, par l'organe de leurs représentants respectifs, dûment autorisés, sont convenus de ce qui suit:

Article 1

Les Directeurs du Centre de coopération scientifique et le Directeur du Centre international d'éducation de base, leurs conjoints et enfants mineurs, jouiront sur le territoire égyptien des privilèges, immunités, exemptions et facilités accordés par le Gouvernement royal égyptien aux envoyés diplomatiques accrédités auprès de lui.

Article 2

1) Les Directeurs adjoints du Centre de coopération scientifique et du Centre international d'éducation de base;

2) Les fonctionnaires du Centre international d'éducation de base de grade professionnel supérieur ou égal à P.V., les fonctionnaires de l'Organisation des Nations Unies, ou de l'une quelconque des institutions spécialisées des Nations Unies de grade professionnel supérieur ou égal à P.V. et appelés à exercer des fonctions permanentes auprès du Centre;

3) Les conjoints et enfants mineurs des personnes énumérées aux paragraphes 1 et 2;

jouiront sur le territoire égyptien des mêmes privilèges, immunités, exemptions, et facilités accordés par le Gouvernement royal égyptien aux membres des missions diplomatiques du même rang accrédités auprès de lui.

Article 3

Le Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture communiquera au Ministère royal des affaires étrangères les noms et qualités des personnes visées aux Articles 1 et 2.

Article 4

Le présent accord entrera en vigueur dès la notification au Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture, de sa ratification par le Gouvernement royal égyptien conformément à sa procédure constitutionnelle.

27. ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE, RELATIF AU SIÈGE DE L'UNESCO ET À SES PRIVILÈGES ET IMMUNITÉS SUR LE TERRITOIRE FRANÇAIS. SIGNÉ À PARIS, LE 2 JUILLET 1954 ¹

Le Gouvernement de la République française et l'Organisation des Nations Unies pour l'éducation, la science et la culture,

Considérant que la Conférence générale de l'Organisation des Nations Unies pour l'éducation, la science et la culture a décidé, par sa résolution 28, adoptée à sa sixième session, de faire construire à Paris le siège permanent de l'Organisation;

Considérant que le Gouvernement de la République française a cédé, à cet effet, par contrat en date du 25 juin 1954, à l'Organisation des Nations Unies pour l'éducation, la science et la culture, l'usage des terrains nécessaires à l'établissement du siège permanent de cette organisation et à l'édification de ses bâtiments;

Désireux de régler par le présent accord les questions relatives à l'établissement à Paris du siège permanent de l'Organisation des Nations Unies pour l'éducation, la science et la culture, et de définir, en conséquence, les privilèges et immunités de l'Organisation en France,

Ont nommé à cet effet comme leurs représentants:

L'Organisation des Nations Unies pour l'éducation, la science et la culture (ci-après désignée sous le nom de « l'Organisation »), Monsieur Luther H. Evans, Directeur général;

Le Gouvernement de la République française, Monsieur Guérin de Beaumont, Secrétaire d'État aux affaires étrangères,
Qui sont convenus de ce qui suit:

PERSONNALITÉ JURIDIQUE DE L'ORGANISATION

**Article premier.** — Le Gouvernement de la République française reconnaît la personnalité civile de l'Organisation et sa capacité:

a) De contracter;
b) D'acquérir et d'aliéner des biens mobiliers et immobiliers;
c) D'ester en justice.

SIÈGE PERMANENT DE L'ORGANISATION

**Article 2**

Le siège permanent de l'Organisation (ci-après désigné par l'expression « le siège ») comprend les terrains définis et délimités à l'annexe A au présent accord, ainsi que tous bâtiments construits ou qui viendraient à être construits sur lesdits terrains.

**Article 3**

Le Gouvernement de la République française s'engage à prendre toutes les mesures nécessaires pour assurer que l'Organisation ne soit pas privée de la jouissance des terrains et bâtiments constituant le siège.

**Article 4**

1. — Le Gouvernement de la République française reconnaît à l'Organisation le droit d'utiliser librement, sur le territoire français, les moyens de radiocommunication définis à l'annexe III de la Convention internationale des télécommunications, conclue à Buenos Aires en 1952, pour la diffusion de ses programmes et pour sa participation au fonctionnement du réseau de communications à établir entre l'Organisation des Nations Unies et ses institutions spécialisées.

2. — Des accords spéciaux à intervenir entre l'Organisation et les autorités françaises compétentes et, éventuellement, entre l'Organisation et les institutions internationales intéressées, détermineront les conditions d'exploitation des moyens de radiocommunications visés au paragraphe précédent.

**Article 5**

1. — Le siège est placé sous l'autorité et le contrôle de l'Organisation.

2. — L'Organisation aura le droit d'établir des règlements intérieurs applicables dans toute l'étendue de son siège et destinés à y établir les conditions nécessaires à son fonctionnement.

3. — Sous réserve des dispositions du paragraphe précédent, les dispositions législatives et réglementaires de la République française sont applicables dans le siège de l'Organisation.

**Article 6**

1. — Le siège est inviolable. Les agents ou fonctionnaires de la République française ne pourront y pénétrer pour y exercer leurs fonctions officielles qu'avec le consentement ou sur la demande du Directeur général et dans des conditions approuvées par celui-ci.
2. — L'exécution des actes de procédure, y compris la saisie de biens privés, ne pourra avoir lieu dans le siège qu'avec le consentement et dans les conditions approuvées par le Directeur général.

3. — Sans qu'il puisse être porté atteinte aux dispositions du présent accord, l'Organisation ne permettra pas que son siège serve de refuge à une personne qui serait recherchée pour l'exécution d'une décision répressive de justice ou poursuivie pour flagrant délit, ou contre laquelle un mandat de justice aura été décerné ou un arrêté d'expulsion pris par les autorités françaises compétentes.

**Article 7**

1. — Le Gouvernement de la République française assure la protection du siège et le maintien de l'ordre dans son voisinage immédiat.

2. — Les autorités françaises préteront le concours des forces de police nécessaires pour assurer, à la requête du Directeur général, et conformément à ses directives, le maintien de l'ordre à l'intérieur du siège.

**Article 8**

1. — Les autorités françaises compétentes s'efforceront, dans toute la mesure des pouvoirs dont elles disposent, de faire assurer à des conditions équitables, et conformément aux demandes qui leur en seraient faites par le Directeur général de l'Organisation, les services publics nécessaires, tels que : le service postal, téléphonique et télégraphique, de même que l'électricité, l'eau, le gaz, les transports en commun, l'évacuation des eaux, l'entretien des ordures, les services de protection contre l'incendie, l'enlèvement de la neige.

2. — Sous réserve des dispositions de l'article 10, l'Organisation bénéficiera, pour la fourniture de tous services publics, assurés par le Gouvernement français ou par des organismes contrôlés par lui, des réductions de tarifs consenties aux administrations publiques françaises.

3. — En cas de force majeure, entraînant une interruption partielle ou totale de ces services, l'Organisation sera assurée, pour ses besoins, de la priorité accordée aux administrations publiques françaises.

**Accès au siège**

**Article 9**

1. — Les autorités françaises compétentes ne mettront aucun obstacle au transit à destination ou en provenance du siège des personnes appelées à y exercer des fonctions officielles, ou invitées à s'y rendre par l'Organisation.

2. — Le Gouvernement français s'engage à cet effet à autoriser, sans frais de visa ni délai, l'entrée et le séjour en France, pendant la durée de leurs fonctions ou missions auprès de l'Organisation, des personnes suivantes :

   a) Les représentants des États membres y compris leurs suppléants, conseillers, experts et secrétaires, aux sessions des organes de l'Organisation ou aux conférences et réunions convoquées par elle;

   b) Les membres du Conseil exécutif de l'Organisation, leurs suppléants, conseillers et experts;

   c) Les délégués permanents des États membres auprès de l'Organisation, leurs adjoints, conseillers et experts;

   d) Les fonctionnaires et experts de l'Organisation, de même que ceux de l'Organisation des Nations Unies et des institutions spécialisées;
e) Les membres du conseil de direction et les fonctionnaires des organisations non gouvernementales admises par l'Organisation au bénéfice d'arrangements consultatifs et dont les bureaux sont établis au siège;

f) Les familles — conjoints et enfants à charge — des personnes visées aux alinéas précédents;

g) Toutes personnes invitées, pour affaires officielles, par la Conférence générale, le Conseil exécutif ou le Directeur général de l’Organisation;

h) Sous réserve que les intéressés n’aient pas fait préalablement l’objet d’une mesure d’interdiction d’accès du territoire français, les représentants des organisations non gouvernementales admises par l’Organisation au bénéfice d’arrangements consultatifs, les représentants de la presse, de la radio, du cinéma et des agences d’information accrédités auprès de l’Organisation après consultation avec le Gouvernement français.

3. — Sans préjudice des immunités spéciales dont elles auraient reçu le bénéfice, les personnes visées au paragraphe 2 ne pourront, pendant toute la durée de leurs fonctions ou missions, être contraintes par les autorités francaises à quitter le territoire français 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 auprès de l’Organisation, et sous réserve des dispositions ci-après:


5. — Les autorités visées au paragraphe précédent sont:

a) S’il s’agit du représentant d’un État membre ou de sa famille, le gouvernement de cet État membre;

b) S’il s’agit d’un membre du Conseil exécutif ou de sa famille, le président du Conseil exécutif;

c) Pour toute autre personne, le Directeur général de l’Organisation.

6. — En outre, les personnes qui bénéficient des privilèges et immunités diplomatiques en vertu du présent accord ne pourront être reçues de quitter le territoire français que conformément à la procédure d’usage applicable aux diplomates accrédités auprès du Gouvernement de la République française.

7. — Il demeure entendu que les personnes désignées au paragraphe 2 ne sont pas dispensées de l’application raisonnable des règlements de quarantaine ou de santé publique.

Facilités de communication

Article 10

1. — Sans préjudice des dispositions de l’article 4 et dans toute la mesure compatible avec les stipulations des conventions, règlements et arrangements internationaux auxquels il est partie, le Gouvernement de la République française accordera à l’Organisation pour ses liaisons postales, téléphoniques, télégraphiques, radiotéléphoniques, radiotélégraphiques et radiophototélégraphiques, un traitement au moins aussi favorable que le traitement accordé par lui à tous autres gouvernements, y compris leurs missions diplomatiques, en matière de priorités, tarifs, et taxes, sur le courrier, les câblogram-
mes, télexgrammes, radiotélégrammes, phototélégrammes, communications téléphoniques et autres communications, ainsi qu'en matière de tarifs de presse pour les informations à la presse et à la radio.

2. — Le Gouvernement de la République française facilitera, par tous moyens, les communications que le Directeur général de l'Organisation et ses principaux collaborateurs peuvent être amenés à faire par voie de la presse et de la radio.

**Article 11**

1. — L'inviolabilité de la correspondance officielle de l'Organisation est garantie.

2. — Ses communications officielles ne pourront être censurées. Cette immunité s'étend aux publications, pellicules photographiques ou films, photographies et enregistrements sonores et visuels adressés à l'Organisation ou expédiés par elle, de même qu'au matériel des expositions qu'elle organiserait.

3. — L'Organisation aura le droit d'employer des codes ainsi que d'expédier et de recevoir sa correspondance par des courriers ou valises qui jouiront des mêmes privilèges et immunités que les courriers et valises diplomatiques.

**Biens, Fonds et Avoirs**

**Article 12**

L'Organisation, ses biens et avoirs, en quelque endroit qu'ils se trouvent et quel qu'en soit le détenteur, jouissent de l'immunité de juridiction, sauf dans la mesure où l'Organisation y aurait expressément renoncé dans un cas particulier ou si cette renonciation résulte des clauses d'un contrat. Il est entendu, toutefois, que la renonciation ne peut s'étendre à des mesures d'exécution.

**Article 13**

Au cas où l'Organisation établirait en France des bureaux ou lieux de réunion en dehors de son siège, ces locaux jouiront de l'inviolabilité dans les conditions prévues à l'article 6.

**Article 14**

1. — Les biens et avoirs de l'Organisation, en quelque endroit qu'ils se trouvent et quel qu'en soit le détenteur, sont exempts de perquisition, confiscation, réquisition et d'expropriation ou de toute autre forme de contrainte exécutive, administrative ou législative.

2. — Les archives de l'Organisation, ou, d'une manière générale, tous les documents lui appartenant ou détenus par elle sont inviolables en quelque endroit qu'ils se trouvent.

**Article 15**

1. — L'Organisation, ses avoirs et revenus et autres biens sont exonérés de tous impôts directs. L'Organisation acquitte toutefois les taxes pour services rendus.

2. — L'Organisation est exonérée:

   a) De tous droits et taxes autres que les taxes pour services rendus perçues par l'Administration des douanes, et de toutes prohibitions et restrictions
d'importation ou d'exportation, à l'égard des objets importés ou exportés par elle pour son usage officiel. Il est bien entendu, toutefois, que les objets ainsi importés en franchise ne pourront être cédés sur le territoire français que suivant les conditions à fixer d'un commun accord entre l'Organisation et les autorités françaises compétentes;

b) De tous droits et taxes autres que les taxes pour services rendus, perçues par l'Administration des douanes, et de toutes prohibitions et restrictions d'importation ou d'exportation à l'égard des publications, films cinématographiques, vues fixes et documents photographiques que l'Organisation importe ou édite dans le cadre de ses activités officielles.

Article 16

L'Organisation acquittera, dans les conditions de droit commun, les taxes indirectes qui entrent dans le prix des marchandises vendues ou des services rendus. Toutefois, celles de ces taxes qui seront afférentes à des achats ou opérations effectués par l'Organisation pour son usage officiel pourront faire l'objet de remboursements suivant un mode forfaitaire, à déterminer d'un commun accord entre l'Organisation et le Gouvernement de la République française.

Article 17

1. — Sans être astreinte à aucun contrôle, réglementation ou moratoire financier, l'Organisation pourra:
   a) Recevoir et détenir des fonds et des devises de toutes natures et avoir des comptes dans n'importe quelle monnaie;
   b) Transférer librement ses fonds et ses devises à l'intérieur du territoire français, de France dans un autre pays ou inversement.

2. — Les autorités françaises compétentes prêteront leur assistance et appui à l'Organisation en vue de lui faire obtenir, dans ses opérations de change et de transfert, les conditions les plus favorables. Des arrangements spéciaux à conclure entre le Gouvernement français et l'Organisation régleront, en cas de besoin, les modalités d'application du présent article.

3. — Dans l'exercice des droits qui lui sont accordés en vertu du présent article, l'Organisation tiendra compte de toutes représentations qui lui seraient faites par le Gouvernement de la République française dans la mesure où elle estimerait pouvoir y donner suite sans porter préjudice à ses propres intérêts.

FACILITÉS, PRIVILÈGES ET IMMUNITÉS DIPLOMATIQUES

Article 18

1. — Les représentants des États membres de l'Organisation aux sessions de ses organes ou aux conférences et réunions convoquées par elle, les membres du Conseil exécutif, ainsi que leurs suppléants, les délégués permanents auprès de l'Organisation et leurs adjoints jouiront, pendant leur séjour en France pour l'exercice de leurs fonctions des facilités, privilèges et immunités qui sont reconnus aux diplomates de rang comparable des missions diplomatiques étrangères accréditées auprès du Gouvernement de la République française.

2. — Ces facilités, privilèges et immunités s'étendent aux conjoints et enfants de moins de vingt et un ans, des personnes désignées ci-dessus.

**Article 19**


2. — Sans préjudice des articles 22 et 24, les directeurs de départements, chefs de services et bureaux, ainsi que les fonctionnaires définis à l’annexe B du présent accord, les conjoints et les enfants chargés des personnes désignées aux paragraphes 1 et 2 du présent article jouiront, pendant leur résidence en France, des privilèges, immunités, facilités et mesures de corticité accordés aux membres des missions diplomatiques étrangères en France.

3. — Les personnes visées aux paragraphes 1 et 2 du présent article ne pourront, si elles sont de nationalité française, se prévaloir devant les tribunaux français d’une immunité à l’égard de poursuites judiciaires visant des faits étrangers à leurs fonctions.

**Article 20**

L’Organisation communiquera en temps voulu au Gouvernement de la République française les noms des personnes visées aux articles 18 et 19.

**Article 21**

Les immunités prévues aux articles 18 et 19 sont accordées à leurs bénéficiaires dans l’intérêt de l’Organisation et non pour leur assurer des avantages personnels. Ces immunités pourront être levées par le gouvernement de l’État intéressé en ce qui concerne ses représentants et leurs familles, par le Conseil exécutif en ce qui concerne ses membres et leurs familles, ainsi que le Directeur général et sa famille, et par le Directeur général en ce qui concerne les autres fonctionnaires de l’Organisation visés à l’article 19, et leurs familles.

**Fonctionnaires et experts**

**Article 22**

Les fonctionnaires régis par les dispositions du Statut du personnel de l’Organisation:

a) Jouiront de l’immunité à l’égard de toute action judiciaire pour les actes accomplis par eux en leur qualité officielle (y compris paroles et écrits);

b) Seront exonérés de tout impôt direct sur les traitements et émoluments qui leur seront versés par l’Organisation;

c) Sous réserve des dispositions de l’article 23, seront exempts de toute obligation relative au service militaire ou de tout autre service obligatoire en France;

d) Ne seront pas soumis, ainsi que leurs conjoints et les membres de leurs familles vivant à leur charge, aux mesures restrictives à l’immigration, ni aux formalités d’enregistrement des étrangers;
e) Jouiront, en ce qui concerne le change, des mêmes facilités que celles qui sont accordées aux membres des missions diplomatiques accréditées auprès du Gouvernement de la République française;

f) Jouiront, ainsi que leurs conjoints et les membres de leur famille vivant à leur charge, des mêmes facilités de rapatriement que celles qui sont accordées aux membres des missions diplomatiques accréditées auprès du Gouvernement de la République française, en période de tension internationale;

g) Jouiront — s'ils résidaient auparavant à l'étranger — du droit d'importer en franchise leur mobilier et leurs effets personnels à l'occasion de leur établissement en France;

h) Pourront importer temporairement leurs véhicules automobiles en franchise sous le couvert d'acquits avec dispense de caution.

Article 23

1. — Les fonctionnaires français de l'Organisation ne sont pas exempts des obligations relatives au service militaire ou à tout autre service obligatoire en France. Toutefois, ceux d'entre eux qui, en raison de leurs fonctions, auront été nommément désignés sur une liste établie par le Directeur général de l'Organisation et approuvée par les autorités françaises compétentes, seront placés, en cas de mobilisation, en position d'affectation spéciale selon la législation française.

2. — Ces autorités accorderont, par ailleurs, à la demande de l'Organisation, et en cas d'appel, au service national d'autres fonctionnaires de nationalité française, les sursis d'appel qui pourraient être nécessaires pour éviter l'interruption d'un service essentiel.

Article 24

Ces privileges et immunités sont accordés aux fonctionnaires dans l'intérêt de l'Organisation et non pour leur assurer un avantage personnel. Le Directeur général consentira à la levée de l'immunité accordée à un fonctionnaire dans tous les cas où il estimerà que cette immunité générera l'action de la justice et qu'elle pourrait être levée sans porter préjudice aux intérêts de l'Organisation.

Article 25

1. — Les experts autres que les fonctionnaires visés aux articles 19 et 22, lorsqu'ils exerceront des fonctions auprès de l'Organisation ou qu'ils accompliront des missions pour son compte, jouiront des privilèges et immunités ci-après, dans la mesure où ils seront nécessaires à l'exercice effectif de leurs fonctions, y compris durant les voyages effectués à l'occasion de l'exercice de leurs fonctions ou au cours de leurs missions:

a) Immunité d'arrestation personnelle et de saisie de leurs bagages personnels, sauf en cas de flagrant délit. Les autorités françaises compétentes informeront immédiatement, en pareils cas, de l'arrestation ou de la saisie de bagages, le Directeur général de l'Organisation;

b) Immunité de toute poursuite judiciaire en ce qui concerne les actes accomplis par eux dans l'exercice de leurs fonctions officielles (y compris leurs paroles et écrits); les intéressés continuerceront à bénéficier de ladite immunité alors même qu'ils n'exerceraient plus de fonctions auprès de l'Organisation ou qu'ils ne seraient plus chargés de mission pour le compte de cette dernière;
c) Les mêmes facilités, en ce qui concerne les réglementations de change, que celles qui sont accordées aux fonctionnaires des gouvernements étrangers en mission officielle temporaire.

2. — Le Directeur général de l’Organisation consentira à la levée de l’immunité accordée à un expert dans tous les cas où il estimera que cette immunité peut être levée sans nuire aux intérêts de l’Organisation.

Article 26

L’Organisation coopèrera constamment avec les autorités françaises compétentes en vue de faciliter la bonne administration de la justice, d’assurer l’exécution des règlements de police et d’éviter tout abus auquel pourraient donner lieu les immunités et facilités prévues dans le présent accord.

Laissez-Passer

Article 27


Règlement des différends

Article 28

L’Organisation prendra des dispositions prévoyant des modes de règlement appropriés pour:

a) Les différends résultant de contrats ou autres différends de droit privé dans lesquels l’Organisation serait partie;

b) Les différends dans lesquels serait impliqué un fonctionnaire de l’Organisation qui, du fait de sa situation officielle, jouit de l’immunité, si cette immunité n’a pas été levée par le Directeur général.

Article 29

1. — Tout différend entre l’Organisation et le Gouvernement de la République française au sujet de l’interprétation ou de l’application du présent accord ou de tout accord additionnel sera, s’il n’est pas réglé par voie de négociations ou par tout autre mode de règlement agréé par les parties, soumis, aux fins de décision définitive, à un tribunal composé de trois arbitres dont l’un sera désigné par le Directeur général de l’Organisation, l’autre par le Ministre des affaires étrangères du Gouvernement de la République française, 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.

2. — Le Directeur général ou le Ministre des affaires étrangères pourront prier la Conférence générale de demander à la Cour internationale de justice un avis consultatif sur toute question juridique qui viendrait à être soulevée au cours de ladite procédure. En attendant l’avis de la Cour, les deux parties se conforment à une décision provisoire du tribunal arbitral. Par la suite, celui-ci rendra une décision définitive en tenant compte de l’avis de la Cour.

Dispositions générales

Article 30

Article 31

1. — Le présent accord a été conclu en conformité des dispositions de la section 39 de la Convention sur les privilèges et immunités des institutions spécialisées, qui autorise la conclusion, entre l’État et l’institution spécialisée intéressée, d’accords particuliers tendant à l’aménagement des dispositions de la Convention susdite pour tenir compte, notamment, des besoins spéciaux d’une institution spécialisée au siège de son activité.

2. — L’adhésion du Gouvernement de la République française à la Convention sur les privilèges et immunités des institutions spécialisées ne pourra avoir pour effet de modifier l’application des dispositions du présent accord.

3. — Il est toutefois entendu que dans le cas où interviendrait une révision de la Convention susdite, le Ministre des affaires étrangères du Gouvernement de la République française et le Directeur général de l’Organisation entrent en consultation en vue de déterminer les propositions de modifications qu’il serait nécessaire d’apporter au présent accord.

4. — Toute révision des dispositions du présent accord devra être soumise à l’approbation des autorités compétentes de l’Organisation et du Gouvernement de la République française. Elle ne pourra entrer en vigueur que conformément à la procédure prévue à l’article 32.

Article 32

Le présent accord, de même que tout accord modificatif éventuel, entreront en vigueur à la suite de l’échange des instruments de ratification par le Gouvernement de la République française et de la notification d’approbation par l’Organisation.

Fait en double exemplaire en langue française et en langue anglaise, qui feront également foi, à Paris, le 2 juillet 1954.

ANNEXE A

Le siège permanent de l’Organisation est établi sur le terrain d’une superficie totale de 30 350 mètres carrés, situés à Paris, 7e arrondissement, entre la place Fontenoy et les avenues de Saxe, de Ségur, de Suffren et de Lowendale; ledit terrain, affecté au Département des affaires étrangères par décret du 22 décembre 1952 et cédé à bail à l’Organisation par contrat en date du 25 juin 1954, est désigné par une teinte rose sur le plan annexé au présent contrat.

ANNEXE B

Les fonctionnaires de l’Organisation bénéficiant des dispositions de l’article 19, paragraphe 2, sont, indépendamment des directeurs de départements, chefs de services et bureaux;

a) Les fonctionnaires ayant un grade équivalent ou supérieur au grade P.5;

b) À titre transitoire, les fonctionnaires qui jouissaient, en application des dispositions de l’accord provisoire de siège conclu entre le Gouvernement de la République française et l’Organisation, des privilèges et immunités accordés aux membres des missions diplomatiques en France;

c) Les fonctionnaires dont les grades correspondaient à ceux des fonctionnaires de toute autre institution intergouvernementale auxquels le Gouvernement de la République française octroyerait, par un accord de siège, le bénéfice des privilèges et immunités diplomatiques.
28. AGREEMENT BETWEEN THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION AND THE GOVERNMENT OF INDIA. SIGNED ON 30 APRIL AND 16 MAY 1959

Article I

The Research Centre on the Social Implications of Industrialization in Southern Asia which was established in India in 1956 by UNESCO in collaboration with the Government of India, will continue to operate during 1959 and 1960 on the basis of the agreement concluded between UNESCO and the Government of India on 8 June 1956. During these two years it will continue to be administered by UNESCO as an integral part of its Secretariat as in previous years.

Article VI

As long as the Centre remains an integral part of the UNESCO Secretariat, the Government of India shall apply to the Centre and its officials the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies.

The governmental representatives on the Advisory Committee shall enjoy the privileges and immunities, exemptions and facilities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies as applicable to the Representatives of Members.

Article VII

The Indian Government will undertake to authorize the entry into India free of visa charges and residence there, of the following persons:

(a) Observers at the Centre of all the Members and Associated Members of UNESCO;
(b) Officials of UNESCO, of the other Specialized Agencies or the United Nations who may be assigned to the Centre or be responsible for making contacts with it;
(c) Experts on missions appointed by UNESCO, by the other Specialized Agencies, by the United Nations or by the Governments of the countries mentioned under heading III;
(d) Representatives of the Governments of the countries mentioned under heading III;
(e) The spouses and minor children of the persons mentioned in this Article.

Article VIII

This agreement shall enter into force on the date of its signature by both parties, as shown below.

Dated: 30 April 1959
Signed on behalf of the United Nations Educational, Scientific, and Cultural Organization
Prem Kirpal
Vittorino Veronese
Director-General

Signed on behalf of the Government of the Republic of India
Prem Kirpal
Joint Secretary to the Government of India, Ministry of Education, New Delhi
Dated: 16th May, 1959

1 Text of Agreement provided by the United Nations Educational, Scientific and Cultural Organization. Came into force on the date of its signature (see article VIII).
29. ARTICLES OF AGREEMENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.
SIGNED AT WASHINGTON, ON 22 DECEMBER 1945 1 2

Note: The provisions of sections 1, 2, 4, 5, 6, 7, 8, 9, a), b), c) i), ii), and 10 of Article VII of this Agreement are identical with those of the corresponding sections of Article IX of the Agreement of International Monetary Fund (infra). The provisions of sections 3 and 9 d) i), ii) of Article VII of the Agreement in question are identical with those of the corresponding sections of Article VI of the Agreement of the International Finance Corporation (infra).

30. ARTICLES OF AGREEMENT OF THE INTERNATIONAL MONETARY FUND. SIGNED AT WASHINGTON, ON 27 DECEMBER 1945 3 4 5

Article IX

STATUS, IMMUNITIES AND PRIVILEGES

Section 1. Purpose of Article

To enable the Fund to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member.

2 States which are parties (up to 1 January 1960): Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Lebanon, Libya, Luxembourg, Mexico, Morocco, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yugoslavia.
4 States which are parties (up to 1 January 1960): Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Lebanon, Libya, Luxembourg, Mexico, Morocco, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yugoslavia.
5 Almost all members have before joining the Fund adopted special Enabling Legislation, frequently referred to as Bretton Woods Agreements legislation. Virtually all of these measures contain in one form or another reference to the provisions of Article IX of the Fund Agreement on the status, immunities and privileges of the Fund. (Information supplied by the International Monetary Fund.)
Section 2. Status of the Fund

The Fund shall possess full juridical personality, and, in particular, the capacity:
(i) To contract;
(ii) To acquire and dispose of immovable and movable property;
(iii) To institute legal proceedings.

Section 3. Immunity from judicial process

The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

Section 4. Immunity from other action

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of archives

The archives of the Fund shall be inviolable.

Section 6. Freedom of assets from restrictions

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for communications

The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

Section 8. Immunities and privileges of officers and employees

All governors, executive directors, alternates, officers and employees of the Fund
(i) Shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity.
(ii) Not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members.
(iii) Shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from taxation

(a) The Fund, its assets, property, income and its operations and transactions authorized by this Agreement shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.
(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held

(i) Which discriminates against such obligation or security solely because of its origin; or

(ii) If the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

Section 10. Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Fund of the detailed action which it has taken.

31. CONSTITUTION OF THE WORLD HEALTH ORGANIZATION, OPENED FOR SIGNATURE AT NEW YORK, 28 JULY 1946

CHAPTER XV
LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 66

The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its objective and for the exercise of its functions.

Article 67

(a) The Organization shall enjoy in the territory of each Member such privileges and immunities as may be necessary for the fulfilment of its objective and for the exercise of its functions.

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2 Entered into force on 7 April 1948. States which are parties (up to 1 January 1960): Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria (Fed. of) (Associate member), Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Sierra Leone (Associate member), Southern Rhodesia (Associate member), Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yemen, Yugoslavia.
(b) Representatives of Members, persons designated to serve on the Board and technical and administrative personnel 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.

Article 68

Such legal capacity, privileges and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members.


I

ACCORD

ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L’ORGANISATION MONDIALE DE LA SANTÉ POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE

Le Conseil fédéral suisse,
d’une part,

L’Organisation mondiale de la santé,
d’autre part,

Désireux de conclure un accord en vue de régler en Suisse le statut juridique de l’Organisation mondiale de la santé, sont convenus des dispositions suivantes:

Article premier

LIBERTÉ D’ACTION DE L’OMS

Le Conseil fédéral suisse garantit à l’Organisation mondiale de la santé l’indépendance et la liberté d’action qui lui appartiennent en sa qualité d’institution internationale.


**Article 2**

**PERSONNALITÉ DE L’OMS**

Le Conseil fédéral suisse reconnaît la personnalité internationale et la capacité juridique en Suisse de l’Organisation mondiale de la santé.

**Article 3**

**IMMUNITÉS DE L’OMS**

L’Organisation mondiale de la santé est au bénéfice de l’ensemble des immunités connues, en droit des gens, sous le nom d’immunités diplomatiques.

**Article 4**

**EXTERRITORIALITÉ DES TERRAINS ET LOCAUX**

Le Conseil fédéral suisse reconnaît notamment l’exterritorialité des terrains et locaux de l’Organisation mondiale de la santé et de tous locaux occupés par elle à l’occasion de ses assemblées et de toute autre réunion convoquée en Suisse par elle.

**Article 5**

**LIBERTÉ DE RÉUNION**

Le Conseil fédéral suisse reconnaît à l’Organisation mondiale de la santé et à ses membres, dans leurs rapports avec elle, une liberté de réunion absolue comportant la liberté de discussion et de décision.

**Article 6**

**IMMUNITÉ DE JURIDICTION ET IMMUNITÉ À L’ÉGARD D’AUTRES MESURES**

1. L’Organisation mondiale de la santé bénéficie, pour elle-même, ses propriétés et ses biens, quel que soit le lieu où ils se trouvent ou la personne qui les détient, de l’immunité à l’égard de toute forme d’action judiciaire, sauf dans la mesure où cette immunité a été formellement levée par le Directeur général de l’Organisation mondiale de la santé ou son représentant régulièrement autorisé.

2. Les propriétés et biens de l’Organisation mondiale de la santé, quel que soit le lieu où ils se trouvent ou la personne qui les détient, sont au bénéfice de l’immunité à l’égard de toute mesure de perquisition, réquisition, confiscation, expropriation, et de toute autre forme de saisie ou d’ingérence de toute autorité publique de quelque nature que ce soit.

**Article 7**

**INVIOLABILITÉ DES TERRAINS ET LOCAUX**

Les terrains et locaux de l’Organisation mondiale de la santé sont inviolables. Nul agent de l’autorité publique suisse ne peut y pénétrer sans le consentement exprès de l’Organisation mondiale de la santé.

**Article 8**

**INVIOLABILITÉ DES ARCHIVES**

Les archives de l’Organisation mondiale de la santé et, en général, tous les documents qui lui appartiennent ou se trouvent en sa possession, sont inviolables.
Article 9
PUBLICATIONS
L'exportation et l'importation des publications de l'Organisation mondiale de la santé ne seront soumises à aucune mesure restrictive.

Article 10
RÉGIME FISCAL DE L'OMS
L'Organisation mondiale de la santé est exonérée des impôts directs et indirects, fédéraux, cantonaux et communaux, sur les immeubles dont elle est propriétaire et qui sont occupés par ses services, de même que sur ses biens mobiliers, étant entendu qu'elle ne sollicite pas l'exemption de taxes auxquelles correspond une prestation de l'autorité publique.

Article 11
LIBRE DISPOSITION DES FONDS
1. — L'Organisation mondiale de la santé peut recevoir et détenir tous fonds quelconques, toutes devises, numéraires et autres valeurs mobilières, et en disposer librement tant à l'intérieur de la Suisse que dans ses relations avec l'étranger.

2. — Le présent article est applicable aux États membres dans leurs relations avec l'Organisation mondiale de la santé.

Article 12
COMMUNICATIONS OFFICIELLES
L'Organisation mondiale de la santé bénéficie, dans ses communications officielles, d'un traitement au moins aussi favorable que celui assuré aux missions diplomatiques en Suisse:

a) Pour toutes priorités de communications et de moyens de transport;

b) Pour les tarifs postaux, télégraphiques, radiotélégraphiques, téléphoniques, radiotéléphoniques, téléphotographiques, etc.

Article 13
EXEMPTION DE CENSURE
Aucune censure ne peut être exercée à l'égard des communications officielles, dûment authentifiées de l'Organisation mondiale de la santé, quelle que soit la voie de communication employée.

Article 14
LIBERTÉ D'ACCÈS ET DE SéJOUR
1. — Les autorités suisses prendront toutes mesures utiles pour faciliter l'entrée sur le territoire suisse, la sortie de ce territoire et le séjour à toutes les personnes appelées, en qualité officielle, auprès de l'Organisation mondiale de la santé, soit:

a) Les représentants des États membres quels que soient les rapports existant entre la Suisse et ces États;

b) Les membres du Conseil exécutif de l'Organisation mondiale de la santé, quelle que soit leur nationalité;

c) Les agents et les fonctionnaires de l'Organisation mondiale de la santé;
d) Les personnes, quelle que soit leur nationalité, appelées par l'Organisation mondiale de la santé.

2. — Toutes mesures concernant la police des étrangers et visant à restreindre l'entrée en Suisse des étrangers ou à contrôler les conditions de leur séjour seront sans application à l'égard des personnes visées au présent article.

**Article 15**

**Immunité des représentants des membres et du conseil exécutif de l'OMS**

Les représentants des membres de l'Organisation mondiale de la santé et les membres de son Conseil exécutif appelés en Suisse par leurs fonctions y jouissent des privilèges et immunités suivants:

a) Inviolabilité de la personne, du lieu de résidence et de tous objets quelconques appartenant à l'intéressé;

b) Immunité de juridiction;

c) Immunité fiscale correspondant à celle qui est accordée aux agents diplomatiques conformément à l'usage international admis en Suisse;

d) Facilités douanières correspondant à celles qui sont accordées aux agents diplomatiques conformément à l'usage international admis en Suisse;

e) Droit d'user de chiffres dans leurs communications officielles et de recevoir ou d'envoyer des documents ou de la correspondance par l'intermédiaire de courriers ou par valises diplomatiques dûment scellées;

f) Exemption des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques des gouvernements étrangers en mission temporaire.

**Article 16**

**Immunités diplomatiques du directeur général et de certains fonctionnaires**

Le Directeur général de l'Organisation mondiale de la santé et les fonctionnaires des catégories désignées par lui et agréées par le Conseil fédéral suisse, jouissent des privilèges, immunités, exemptions et facilités reconnus aux agents diplomatiques conformément au droit des gens et aux usages internationaux.

**Article 17**

**Immunités et facilités accordées à tous les fonctionnaires**

Tous les fonctionnaires de l'Organisation mondiale de la santé, quelle que soit leur nationalité, sont au bénéfice des immunités et facilités suivantes:

a) Exemption de toute juridiction pour les actes accomplis dans l'exercice de leurs fonctions;

b) Exonération de tous impôts fédéraux, cantonaux et communaux sur les traitements, émoluments et indemnités qui leur sont versés par l'Organisation mondiale de la santé.

**Article 18**

**Exemptions et facilités accordées aux fonctionnaires non suisses**

Les fonctionnaires de l'Organisation mondiale de la santé qui n'ont pas la nationalité suisse bénéficient des exemptions et facilités énumérées dans l'arrangement d'exécution du présent accord.
Article 19

CAISSSE DES PENSIONS, ETC.

1. — Toute caisse des pensions ou institution de prévoyance exerçant officiellement son activité en faveur des fonctionnaires de l'Organisation mondiale de la santé aura la capacité juridique en Suisse si elle en exprime le désir et sera, dans la mesure de son activité en faveur des dits fonctionnaires, au bénéfice des mêmes exemptions, immunités, et privilèges que l'Organisation elle-même.

2. — Les fonds et fondations, doués ou non d'une personnalité juridique propre, gérés sous les auspices de l'Organisation mondiale de la santé et affectés à ses buts officiels, sont mis au bénéfice des mêmes exemptions, immunités et privilèges que l'Organisation elle-même, en ce qui concerne leurs biens mobiliers.

Article 20

ARRANGEMENTS ANTÉRIEURS

Dans la mesure où ils ne sont pas modifiés par le présent accord, les modus vivendi de 1921 et de 1926 et les arrangements complémentaires conclus entre le Département politique fédéral et la Société des Nations, sont applicables mutatis mutandis à l'Organisation mondiale de la santé.

Article 21

OBJETS DES IMMUNITÉS

1. — Les immunités prévues par le présent accord ne sont pas établies en vue d'accorder aux fonctionnaires de l'Organisation mondiale de la santé des avantages et des commodités personnels. Elles sont instituées uniquement afin d'assurer, en toute circonstance, le libre fonctionnement de l'Organisation Mondiale de la santé et la complète indépendance de ses agents.

LEVÉE DES IMMUNITÉS

2. — Le Directeur général de l'Organisation mondiale de la santé a le droit et le devoir de lever l'immunité d'un fonctionnaire lorsqu'il estime que cette immunité empêche le jeu normal de la justice et qu'il est possible d'y renoncer sans porter atteinte aux intérêts de l'Organisation mondiale de la santé.

Article 22

PRÉVENTION DES ABUS

L'Organisation mondiale de la santé coopérera en tout temps avec les autorités suisses en vue de faciliter une bonne administration de la justice, d'assurer l'observation des règlements de police et d'empêcher tout abus des privilèges, immunités et facilités prévus par le présent accord.

Article 23

DIFFÉREND S D'ORDRE PRIVÉ

L'Organisation mondiale de la santé prendra des dispositions appropriées en vue du règlement satisfaisant:

a) De différends résultant de contrats auxquels l'Organisation mondiale de la santé serait partie et d'autres différends portant sur un point de droit privé;
b) De différends dans lesquels serait impliqué un fonctionnaire de l'Organisation mondiale de la santé qui jouit, du fait de sa situation officielle, de l'immunité, si cette immunité n'a pas été levée par le Directeur général.

**Article 24**

**NON-RESPONSABILITÉ DE LA SUISSE**

La Suisse n'encourt, du fait de l'activité de l'Organisation mondiale de la santé sur son territoire, aucune responsabilité internationale quelconque pour les actes et omissions de l'Organisation ou pour ceux de ses agents agissant ou s'abstenant dans le cadre de leurs fonctions.

**Article 25**

**SÉCURITÉ DE LA SUISSE**

1. — Rien dans le présent accord n'affecte le droit du Conseil fédéral suisse de prendre les précautions utiles dans l'intérêt de la sécurité de la Suisse.

2. — Au cas où il estimerait nécessaire d'appliquer le premier paragraphe du présent article, le Conseil fédéral suisse se mettra, aussi rapidement que les circonstances le permettront, en rapport avec l'Organisation mondiale de la santé en vue d'arrêter, d'un commun accord, les mesures nécessaires pour protéger les intérêts de l'Organisation.

3. — L'Organisation mondiale de la santé collaborera avec les autorités suisses en vue d'éviter tout préjudice à la sécurité de la Suisse du fait de son activité.

**Article 26**

**EXÉCUTION DE L'ACCORD PAR LA SUISSE**

Le Département politique fédéral est chargé de l'exécution par la Confédération suisse du présent accord et de son arrangement d'exécution.

**Article 27**

**JURIDICTION**

1. — Toute divergence de vues concernant l'application ou l'interprétation du présent accord ou de son arrangement d'exécution qui n'aurait pas pu être réglée par des pourparlers directs entre les parties pourra être soumise, par l'une ou l'autre partie, à l'appréciation d'un tribunal composé de trois membres qui sera constitué dès l'entrée en vigueur du présent accord.

2. — Le Conseil fédéral suisse et l'Organisation mondiale de la santé désigneront chacun un membre du tribunal.

3. — Les juges ainsi désignés choisiront leur président.

4. — En cas de désaccord entre les juges au sujet de la personne du président, ce dernier sera désigné par le Président de la Cour internationale de justice, à la requête des membres du tribunal.

5. — Le tribunal sera saisi par l'une ou l'autre partie par voie de requête.

6. — Le tribunal fixera sa propre procédure.

**Article 28**

**ENTRÉE EN VIGUEUR**

Le présent accord entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et l'autorité compétente de l'Organisation mondiale de la santé.
Article 29
MODIFICATION DE L'ACCORD

1. — Le présent accord peut être revisé à la demande de l'une ou l'autre partie.

2. — Dans cette éventualité, les deux parties se concerteront sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent accord.

3. — Dans le cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'accord pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

Article 30
ARRANGEMENT D'EXÉCUTION

Les dispositions du présent accord sont complétées par l'arrangement d'exécution.

II
ARRANGEMENT D'EXÉCUTION
DE L'ACCORD CONCLU ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION MONDIALE DE LA SANTÉ POUR RÉGULER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE

Article premier
FRANCHISE DOUANIERE

L'Organisation mondiale de la santé bénéficie de l'exemption complète des droits de douane, de statistique, etc., pour toutes les marchandises destinées à l'usage officiel de l'Organisation mondiale de la santé ou provenant de cette dernière, étant entendu que les objets importés en franchise ne pourront être vendus en Suisse que dans des conditions à déterminer par accord entre l'Organisation mondiale de la santé et le Conseil fédéral suisse.

Article 2
IMPORTATION ET EXPORTATION DE MARCHANDISES

Le Conseil fédéral suisse reconnaît, en ce qui le concerne, que les prohibitions et restrictions aux importations et exportations de marchandises ne sont pas applicables aux objets destinés à l'usage officiel de l'Organisation mondiale de la santé et nécessaires à son bon fonctionnement, sous réserve des dispositions des conventions internationales générales et des mesures d'ordre sanitaire, étant entendu qu'il appartient à l'Organisation mondiale de la santé d'obtenir de tout autre État intéressé le consentement éventuellement nécessaire.

Article 3
PRÉVOYANCE SOCIALE

L'Organisation mondiale de la santé est exempte de toutes contributions obligatoires à des institutions générales de prévoyance sociale, telles que les caisses d'assurance-chômage, l'assurance-accidents, etc., étant entendu que l'Organisation mondiale de la santé assurera, dans la mesure du possible, et dans des conditions à convenir, l'affiliation aux systèmes suisses d'assurance
de ceux de ses agents qui ne sont pas assurés d'une protection sociale équivalente par l'Organisation elle-même.

Article 4
LIBRE DISPOSITION DES FONDS
1. — L'Organisation mondiale de la santé peut être titulaire de comptes en toutes monnaies.
2. — L'Organisation mondiale de la santé peut transférer librement ses fonds, devises, numéraires et autres valeurs mobilières, de Suisse à l'étranger.
3. — L'Organisation mondiale de la santé peut convertir en une autre monnaie toutes devises et tous numéraires détenus par elle.
4. — Le Conseil fédéral suisse tiendra compte des dispositions des paragraphes précédents du présent article lors de ses négociations avec des gouvernements étrangers au sujet des transferts de fonds et de marchandises.

Article 5
CHIFFRE, COURRIER, VALISE
1. — L'Organisation mondiale de la santé est autorisée à faire usage de chiffres dans ses communications.
2. — L'Organisation mondiale de la santé jouit du droit de se servir de courriers et de faire usage de valises diplomatiques dans les mêmes conditions que les gouvernements étrangers.

Article 6
COMMUNICATIONS DE PRESSE
L'Organisation mondiale de la santé bénéficie, pour ses communications destinées à la presse et à la radiodiffusion, soit directement, soit par intermédiaire, des tarifs préférentiels applicables aux communications de presse, en conformité avec la Convention internationale des télécommunications.

Article 7
LIBERTÉ D'ACCÈS ET DE SéJOUR
1. — En vue de faciliter l'entrée en Suisse des personnes énumérées à l'article 14 de l'accord, les légations et consulats de Suisse recevront, pour tous les cas où un visa d'entrée est nécessaire, l'instruction générale et préalable d'accorder un tel visa sur production du passeport ou d'un autre titre équivalent d'identité et de voyage, ainsi que d'une pièce suffisant à établir la qualité du requérant à l'égard de l'Organisation mondiale de la Santé.
2. — Les légations et consulats de Suisse auront pour instruction de délivrer le visa sans retard ou délai, et sans exiger la présence personnelle du requérant, ni l'acquittement des taxes.
3. — Les dispositions de l'article 14 de l'accord et du présent article s'appliqueront, dans des conditions analogues, à la femme et aux enfants de l'intéressé, s'ils vivent avec lui et sont sans profession.

Article 8
CARTE D'IDENTITÉ
Le Département politique fédéral remet à l'Organisation mondiale de la santé, à l'intention de chaque fonctionnaire, une carte d'identité munie de
la photographie du titulaire. Cette carte, authentifiée par le Département politique fédéral et l’Organisation mondiale de la santé, servira à la légitimation du fonctionnaire à l’égard de toute autorité fédérale, cantonale ou communale.

Article 9

Facilités accordées aux fonctionnaires non suisses

Les fonctionnaires de l’Organisation mondiale de la santé qui n’ont pas la nationalité suisse bénéficient des exemptions et facilités suivantes:

a) Exemption de tous droits de douane, de statistique, de droits à l’importation, pour tous les objets usagés ou neufs, que le fonctionnaire apporte avec lui lors de sa première installation en Suisse ou lors de son retour en Suisse après une absence minimum de trois ans;

b) Exemption des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques accrédités auprès du Conseil fédéral;

c) En cas de crise internationale, facilités de rapatriement pour les fonctionnaires et les membres de leur famille, identiques à celles accordées aux membres de missions diplomatiques accréditées auprès du Conseil fédéral;

d) Exonération des impôts fédéraux, cantonaux et communaux conformément aux usages établis pour le personnel non suisse des institutions internationales à Genève;

e) Exemption, sur demande du Directeur général de l’Organisation mondiale de la santé et d’entente avec le Département politique fédéral, des droits de douane sur les voitures automobiles importées, étant entendu que cette facilité peut être exercée au maximum une fois tous les trois ans et que les droits de douane seront dus au cas où la voiture serait vendue ou cédée à une personne non bénéficiaire de l’exemption avant l’expiration d’un délai établi d’un commun accord entre le Conseil fédéral suisse et l’Organisation mondiale de la santé;

f) La visite en douane des bagages sera, comme à l’égard des membres du corps diplomatique, réduite au strict minimum.

Article 10

Service militaire

1. — Le Directeur général de l’Organisation mondiale de la santé communiquera au Conseil fédéral suisse la liste des fonctionnaires de nationalité suisse astreints à des obligations de caractère militaire.

2. — Le Directeur général de l’Organisation mondiale de la santé et le Conseil fédéral suisse établiront, d’un commun accord, une liste restreinte de fonctionnaires de nationalité suisse qui, en raison de leurs fonctions, bénéficieront de dispenses.

3. — En cas de mobilisation d’autres fonctionnaires suisses, l’Organisation mondiale de la santé aura la possibilité de solliciter, par l’entremise du Département politique fédéral, un sursis d’appel ou toutes autres mesures appropriées.
Article 11

PASSEPORT DIPLOMATIQUE

Les fonctionnaires de nationalité suisse appartenant aux catégories déterminées d’un commun accord par le Directeur général de l’Organisation mondiale de la santé et par le Conseil fédéral suisse et qui se rendent en mission ou résident à l’étranger du fait de leurs fonctions, auront droit à un passeport diplomatique émis par le Département politique fédéral.

Article 12

CAISSSE DES PENSIONS, ETC.

1. — Toutes prestations en capital dues par la caisse des pensions ou toute autre institution de prévoyance sociale à des agents, fonctionnaires ou employés de l’Organisation mondiale de la santé, en quelque circonstance que ce soit — échéance des services, interruption des services, suspension — seront, au moment de leur versement, exemptes en Suisse de tous impôts quelconques sur le capital et le revenu.

2. — Il en sera de même à l’égard de toutes les prestations qui pourraient être versées à des agents, fonctionnaires ou employés de l’Organisation mondiale de la santé à titre d’indemnité à la suite de maladie, accidents, etc.

Article 13

TIMBRES-POSTE

1. — Les autorités fédérales suisses émettront des timbres spéciaux pour les services de l’Organisation mondiale de la santé dans les limites autorisées par les conventions de l’Union postale universelle.

2. — Les conditions d’émission seront fixées d’un commun accord sur la base des arrangements intervenus à cet égard avec d’autres institutions internationales établies à Genève.

Article 14

ENTRÉE EN VIGUER

Le présent arrangement entrera en vigueur dès qu’il aura été approuvé par le Conseil fédéral suisse et le Conseil exécutif de l’Organisation mondiale de la santé.

Article 15

MODIFICATION DE L’ARRANGEMENT

1. — Le présent arrangement peut être revisé à la demande de l’une ou l’autre partie.

2. — Dans cette éventualité, les deux parties se concerteront sur les modifications qu’il pourrait y avoir lieu d’apporter aux dispositions du présent arrangement.

3. — Au cas où les négociations n’aboutiraient pas à une entente dans le délai d’un an, l’arrangement pourra être dénoncé par l’une ou l’autre partie moyennant un préavis de deux ans.
ÉCHANGE DE NOTES
RELATIVES À L'ENTRÉE EN VIGUEUR D'UN ACCORD CONCERNANT LE STATUT JURIDIQUE DE L'ORGANISATION MONDIALE DE LA SANTÉ EN SUISSE ET L'ARRANGEMENT D'EXÉCUTION DUDIT ACCORD

A
DÉPARTEMENT POLITIQUE FÉDÉRAL

Monsieur le Directeur général,

Berne, le 23 décembre 1948

Nous avons l'honneur d'accuser réception de la lettre du 14 décembre 1948 par laquelle vous nous envoyez une copie du texte français ainsi qu'une traduction anglaise de l'accord et de l'arrangement d'exécution conclus entre le Conseil fédéral et votre Organisation pour régler le statut juridique de cette dernière sur notre territoire.

Selon votre désir, nous avons confronté la copie du texte français à l'original et l'avons trouvée tout à fait conforme à celui-ci. Nous avons pris également connaissance du texte anglais que vous nous avez soumis: il n'appelle pas non plus d'objections de notre part. Pour la bonne règle, nous précisons toutefois qu'en cas de contestation, le texte français sera seul à faire foi.

En ce qui concerne la date de la conclusion de cet accord et de son arrangement d'exécution, nous vous suggérons de vouloir bien la fixer au 21 août 1948, c'est-à-dire au jour de l'approbation définitive par le Conseil fédéral de ces deux textes. Il reste entendu que la date de leur entrée en vigueur est fixée avec effet rétroactif au 17 juillet 1948.

Veuillez agréer, Monsieur le Directeur général, l'assurance de notre haute considération.

Département politique fédéral
Organisations internationales
(Signé) Ph. Zutter

Monsieur Brock CHISHOLM,
Directeur général de l'Organisation mondiale
de la santé,
Palais des Nations,
Genève.

B
BUREAU DU DIRECTEUR GÉNÉRAL

12 janvier 1949

Monsieur le Conseiller fédéral,

J'ai l'honneur d'accuser réception de votre lettre du 23 décembre 1948 (réf.o.B.63.45.42.1.0.—MX.) par laquelle vous m'informez que le texte français de l'accord et de l'arrangement d'exécution, conclus entre le Conseil fédéral et l'Organisation mondiale de la santé pour régler le statut juridique de cette dernière et que je vous avais soumis, a été trouvé conforme à l'ori-
ginal. Je vais en conséquence pouvoir faire procéder à l'enregistrement auprès des Nations Unies des deux actes diplomatiques dont il s'agit.
Ainsi que vous avez bien voulu le faire observer, c'est le texte français seul qui, en cas de contestation, fera foi.
J'ai pris note de votre désir de fixer au 21 août 1948 la date de la conclusion de l'accord et de son arrangement d'exécution; cette date est celle de l'approbation définitive de ces deux actes par le Conseil fédéral. Par contre, la date de leur entrée en vigueur a été fixée, avec effet rétroactif, au 17 juillet 1948 qui est le jour de l'approbation des deux textes en question par l'Assemblée mondiale de la santé.
Veuillez agréer, Monsieur le Conseiller fédéral, les assurances de ma haute considération.

Dr Brock Chisholm
Directeur général

Monsieur le Conseiller fédéral
Chef du Département politique fédéral,
Berne.

33. AGREEMENT BETWEEN THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF INDIA CONCERNING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED BY THE GOVERNMENT OF INDIA TO THE WORLD HEALTH ORGANIZATION. SIGNED AT NEW DELHI, ON 9 NOVEMBER 1949

The Government of India
of the one part, and
The World Health Organization
of the other,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the Government of India to the World Health Organization, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the South East Asia Region, and of regulating other related matters,

Have agreed as follows:

Article I
DEFINITIONS

Section 1

In the present Agreement:

(i) The word "Organization" shall mean the World Health Organization;

1 United Nations, Treaty Series, vol. 67, p. 44. An identical agreement was concluded with the Republic of the Philippines on 22 July 1951 and entered into force on 22 September 1952 (ibid., vol. 149, p. 198).

2 Came into force on 22 September 1949, by the exchange of notes, in accordance with section 33.
(ii) For the purposes of Article IV the words "property and assets", "funds, gold or currency", or "assets, income and other property" shall be deemed to include property, assets, and funds administered by the Organization under Article 57 of its Constitution and/or in furtherance of its constitutional functions;

(iii) The words "representatives of Members" shall be deemed to include all delegates to the World Health Assembly; all persons designated by Members to serve on the Executive Board of the Organization; all representatives on the Regional Committees in the South East Asia Region; as well as all delegates, alternates, advisers, technical experts who are members of delegations, and secretaries of delegations;

(iv) The word "Member" shall be deemed to include a Member or an Associate Member of the Organization as well as a territory or group of territories which without being an Associate Member is represented and participating in the Regional Committee of the South-East Asia Region of the Organization, in accordance with Article 47 of its Constitution;

(v) The words "principal or subsidiary organs" shall be deemed to include the World Health Assembly, the Executive Board, the Regional Committee in the South East Asia Region and any of the subdivisions of all these organs as well as the Secretariat and the Regional Office in New Delhi;

(vi) For the purposes of Sections 4, 6, 16 and 17 the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in India.

Article II

JURIDICAL PERSONALITY

Section 2

The Organization shall possess juridical personality and legal capacity and, in particular, capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, and (c) to institute legal proceedings.

Article III

FREEDOM OF ACTION

Section 3

The Organization and its principal or subsidiary organs shall have in India the independence and freedom of action belonging to an international organization.

Section 4

The Organization, its principal or subsidiary organs, as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in India absolute freedom of meeting, including freedom of discussion and decision.

**Article IV**

**PROPERTY, FUNDS AND ASSETS**

*Section 5*

The Organization and its property and assets located in India shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Director-General of the Organization or the Regional Director as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

*Section 6*

(1) The premises of the Organization in India or any premises in India occupied by the Organization in connexion with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in India 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 archives of the Organization, and in general all documents belonging to it or held by it in India shall be inviolable.

*Section 8*

(1) Without being restricted by financial controls, regulations or moratoria of any kind: (a) the Organization may hold funds, gold or currency of any kind and operate accounts in any currency; (b) the Organization shall be free to transfer its funds, gold or currency to or from India or within India and to convert any currency held by it into any other currency.

(2) This section shall also apply to Members of the Organization in their relations with the Organization.

*Section 9*

The Government of India shall provide for the Organization, at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in India or other parts of the South-East Asia Region.

*Section 10*

In exercising its rights under Sections 8 and 9, the Organization shall pay due regard to any representations made by the Government of India in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

*Section 11*

The Organization, its assets, income and other property shall be: (a) exempt from all direct and indirect taxes. It is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services; (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of
medical supplies, or any other goods or articles imported or exported by
the Organization for its official use. It is understood, however, that such
medical supplies, goods, or articles imported under such exemption will
not be sold in India except under conditions agreed with the Government
of India; (c) exempt from customs duties, prohibitions and restrictions on
imports and exports in respect of their publications.

Section 12

While the Organization will not, as a general rule, in the case of minor
purchases, 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 of India shall make appropriate adminis-
trative arrangements for the remission or return of the amount of duty or
tax.

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 13

The Organization shall enjoy in India for its official communications
treatment not less favourable than that accorded by the Government of
India to any other Government 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 in-
formation to the press and radio.

Section 14

(1) No censorship shall be applied to the official correspondence and
other official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch
and receive correspondence by courier or in sealed bags, which shall have
the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 15

Representatives of Members of the Organization on its principal or
subsidiary organs and at conferences or meetings convened by the Organi-
zation, shall, while exercising their functions and during their journeys 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 official capacity, immunity from legal process of
every kind; (b) inviolability for all papers and documents; (c) The right to
use codes and to despatch or receive papers or correspondence by courier or
in sealed bags; (d) Exemption in respect of themselves and their spouses
from immigration restrictions, aliens' registration or national service obli-
gations in India; (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 members of diplomatic missions
of comparable rank; (g) Such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank 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 16

In order to secure for the representatives of Members of the Organization at a meeting of the Organization 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 all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 17

If the incidence of any form of taxation depends upon residence in India, periods during which the representatives of Members of the Organization are present at a meeting of the Organization in India for the discharge of their duties shall not be considered as periods of residence.

Section 18

Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives 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. In any such case in which one of the persons designated to serve on it is concerned, the Executive Board of the Organization shall be under the same duty.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 19

Experts and consultants other than those under Section I (iii) or as officials come within the scope of Article VI or VIII respectively and who perform missions for the Organization 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 and 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 Organization; (b) Inviolability for all papers and documents; (c) For the purpose of their communications with the Organization, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags; (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens’ registration or national service obligations in India; (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 members of diplomatic missions.

Section 20

Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-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 Organization.

Article VIII

OFFICIALS

Section 21

The Director-General or the Regional Director as his duly authorized representative shall from time to time communicate to the Government of India the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 22

Officials of the Organization 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 in respect of the salaries and emoluments paid to them by the Organization; (c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration; (d) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to India; (e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions; (f) have the right to import free of duty their furniture and effects at the time of taking up their post in India or upon their permanent appointment to it; (g) once every three years have the right to import free of duty a motor-car, it being understood that the duty will become payable in the event of the sale or disposal of such motor-car to a person not entitled to this exemption within three years upon its importation.

Section 23

(i) The officials of the Organization shall be exempt from national service obligations in India provided that, in relation to officials who are Indian nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General or the Regional Director as his duly authorized representative and communicated to the Government of India.

(ii) Should other officials of the Organization be called up for national service, the Government of India shall, at the request of the Director-General or the Regional Director as his duly authorized representative, grant such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.
Section 24

In addition to the immunities and privileges specified in Sections 22 and 23, the Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director in India and, if the Director-General should so desire and communicate their names to the Government of India, certain officials of a director’s status, 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 25

Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-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 Organization.

Section 26

The Organization shall co-operate at all times with the appropriate authorities of the Government of India to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this Article.

Article IX

VISAS, PERMITS OF RESIDENCE, UNITED NATIONS LAISSEZ-PASSER

Section 27

(1) The Government of India shall take all measures required to facilitate the entry into, residence in, and departure from India of all persons having official business with the Organization, i.e., (a) representatives of Members, whatever may be the relations between India and the Member concerned; (b) experts and consultants on missions for the Organization, irrespective of nationality; (c) officials of the Organization; (d) other persons irrespective of nationality, summoned by the Organization.

(2) Any police regulation calculated to restrict the entry of aliens into India or to regulate the conditions of their residence shall not apply to the persons provided for in this section.

(3) The Government of India shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid identity and travel document and of a document establishing his official relationship to the Organization, without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this Section shall apply to the spouse and dependants of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 28

The Government of India shall recognize and accept as valid travel documents the United Nations Laissez-passer issued to the officials of the
Organization under administrative arrangements concluded between the Director-General of the Organization and the Secretary-General of the United Nations.

Section 29
The Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director of the Organization in India and the Directors of the Organization travelling on its official business shall be granted the same facilities as are accorded to diplomatic envoys.

Article X
SECURITY OF GOVERNMENT OF INDIA

Section 30
Nothing in the present agreement shall be construed to preclude the adoption of appropriate security precautions in the interests of the Government of India which shall be determined by agreement between the Government of India and the Director-General.

Article XI
SETTLEMENT OF DISPUTES

Section 31
The Organization 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 Organization is a party; (b) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Director-General in accordance with the provisions of Section 25.

Section 32
Any difference between the Organization and the Government of India arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a board of three arbitrators; the first to be appointed by the Government of India, the second by the Director-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article XII
FINAL PROVISIONS

Section 33
The present Agreement shall enter into force upon an exchange of notes between the authorized representatives of the Government of India and the Organization stating respectively that it has been approved by the Government of India and adopted by the World Health Assembly.

Section 34
On the coming-into-force of the present Agreement, it will be communicated for registration to the Secretary-General of the United Nations by the Director-General of the Organization, in pursuance of Article 1 of
the Regulations, to give effect to Article 102 of the Charter of the United Nations adopted by the General Assembly of the United Nations on 14 December 1946.¹

Section 35

The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice. Notice of denunciation to the Government of India may be given to the representative of that Government in the Organization, and notice to the Organization may be given to the Director-General.

In faith whereof the present Agreement was done and signed at New Delhi on the 9th day of November 1949, in six copies, three in French and three in English, the texts in both languages being equally authentic, of which two texts one copy in French and one in English were handed to the representatives of the Government of India and the four remaining copies to the Director-General of the World Health Organization.

For the Government of India:  
(Signed) P. M. Menon  
Joint Secretary  
Ministry of Health  
Govt. of India

For the World Health Organization:  
(Signed) C. Mani  
for Director-General

EXCHANGE OF NOTES

I

Mr. P. S. Doraswami to Dr. C. Mani

GOVERNMENT OF INDIA

MINISTRY OF HEALTH

New Delhi, the 20th May, 1949

Sir,

With reference to your letter No. 11-3/48, dated the 10th February, 1949, I am directed to convey the approval of the Government of India to the draft agreement regarding the privileges, immunities and facilities to be granted by the Government of India to the World Health Organization.

It is not clear how “comparable rank” mentioned in article 22 (d) in the draft agreement is to be determined. While the Government of India have no objection to the retention of the phrase “comparable rank”, it is requested that they may kindly be informed of the procedure suggested for determining “comparable rank”.

Yours faithfully,

P. S. Doraswami  
Under-Secretary

¹ United Nations, Treaty Series, vol. 1, p. XX.
Dr. Brock Chisholm to Ministry of Health

WORLD HEALTH ORGANIZATION

Geneva, 28 July 1949

Sir,

I have the honour to acknowledge receipt of your letter of 20 May 1949 (Ref. F.14-36/49-P.H.II) by which you notify me of the approval by the Government of India of the Agreement conferring privileges, immunities and facilities on the World Health Organization in India.

I am to inform you that the Second World Health Assembly, at its ninth plenary meeting on 25th June 1949, approved this Agreement, and authorized the Director-General or his representative to sign the Agreement, and in accordance with Article XII, Section 33, to transmit the necessary notification of approval to your Government.

I have therefore authorized the Regional Director for the South East Asia Region to sign the Agreement on behalf of the World Health Organization, and I would propose that the Agreement be considered as having entered into force from the date of its approval by the World Health Assembly.

I have further requested the Regional Director for the South East Asia Region to correspond with your Government concerning the interpretation of "comparable rank" in Section 22 (d) and (e) of the Agreement.

I have the honour to be, etc.

Brock CHISHOLM, M.D.
Director-General

Mr. P. S. Doraswami to Dr. C. Mani

GOVERNMENT OF INDIA
MINISTRY OF HEALTH

New Delhi, the 22nd September, 1949

Subject: Agreement between WHO and Government of India

Sir,

I am directed to acknowledge receipt of your letter No. 35402/35 dated the 5th August, 1949 and its enclosure on the subject mentioned above. This completes the exchange of notes in accordance with Article XII, Section 33 of the agreement. A date, time and place for signing the agreement will be fixed shortly in consultation with you.

Yours faithfully,

P. S. DORASWAMI
Under-Secretary
34. AGREEMENT ¹ BETWEEN THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF EGYPT FOR THE PURPOSES OF DETERMINING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED IN EGYPT BY THE GOVERNMENT TO THE ORGANIZATION, TO THE REPRESENTATIVES OF ITS MEMBERS AND TO ITS EXPERTS AND OFFICIALS. SIGNED AT CAIRO, ON 25 MARCH 1951 ²

THE GOVERNMENT OF EGYPT on the one part, and

THE WORLD HEALTH ORGANIZATION on the other,

DESIRING to conclude an agreement for the purpose of determining the privileges, immunities and facilities to be granted by the GOVERNMENT OF EGYPT to the WORLD HEALTH ORGANIZATION, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the EASTERN MEDITERRANEAN REGION, and of regulating other related matters;

HAVE AGREED AS FOLLOWS:

Article IV

PROPERTY, FUNDS AND ASSETS

Section 8. (1) The World Health Organization may receive and hold funds, notes, coins and securities of any kind and may dispose of them freely both within Egypt and in its relations with other countries.

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 14. (1) No censorship shall be applied to the duly authenticated official communications of the Organization.

Article VI

REPRESENTATIVES OF MEMBERS

Section 15. Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization and who are not of Egyptian nationality shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

² Having been approved by the Fourth World Health Assembly in May 1951 and ratified by the Government of Egypt on 8 August 1951, the Agreement came into force on 8 August 1951 in accordance with article XII, section 35.
Section 19. The Organization will as far as possible communicate in advance to the Government of Egypt a list of the representatives invited to its conferences or meetings.

Article VIII

OFFICIALS

Section 22. The Director-General, or the Regional Director as his duly authorized representative, shall from time to time communicate to the Government of Egypt the categories and the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 23. (1) Officials of the Organization irrespective of nationality 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 in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Egyptian nationality shall:

(a) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens’ registration;

(b) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Egypt;

(c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(d) Have the right to import free of duty their furniture and effects at the time of taking up their post in Egypt or upon their permanent appointment to it;

(e) Once every three years have the right to import free of duty a motor-car, it being understood that the duty will become payable in the event of the sale or disposal of such motor-car to a person not entitled to this exemption within three years upon its importation.

Section 24. (1) The officials of the Organization shall be exempt from national service obligations in Egypt provided that, in relation to officials who are Egyptian nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General or the Regional Director as his duly authorized representative and approved by the Government of Egypt.

Section 25. In addition to the immunities and privileges specified in section 22, the Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director in Egypt and his Deputy 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 and usage.
Article IX

Visas, Permits of Residence, United Nations Laissez-Passer and Other Facilities

Section 30. (1) The Organization will be supplied, in the premises placed at its disposal, with electricity, water and gas, and with service for the removal of refuse. In a case of force majeure entailing partial or total suspension of these services, the requirements of the Organization will be considered by the Government of Egypt to be of the same importance as those of its own administrations.

(a) The Government of Egypt will ensure the necessary police supervision for the protection of the seat of the Organization and for the maintenance of order in the immediate vicinity thereof. At the request of the Director-General, the Government of Egypt will supply such police force as may be necessary to maintain order within the building.

Article X

Security of the Government of Egypt

Section 31. (1) Nothing in the present agreement shall affect the right of the Egyptian Government to take the precautions necessary for the security of Egypt.

(2) If the Egyptian Government considers it necessary to apply the first paragraph of this article, it shall approach the World Health Organization as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interests of the World Health Organization.

(3) The World Health Organization shall collaborate with the Egyptian authorities to avoid any prejudice to the security of Egypt resulting from its activity.

Article XI

Co-operation and Settlement of Disputes

Section 32. The Organization shall co-operate at all times with the appropriate authorities of the Government of Egypt 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 provided for under the present Agreement.

Note: The remaining provisions of this agreement are substantially the same as the corresponding provisions of the treaty with India reproduced above. There is no provision in this agreement corresponding with section 26 of the agreement with India.
EXCHANGE OF LETTERS

I

Letter from the Egyptian Government to the World Health Organization, dated 25 March 1951

Sir,

With respect to the conclusion between the Egyptian Government and the World Health Organization of the Agreement concerning the privileges, immunities and facilities to be accorded to the Organization in Egypt, I have the honour to submit the following:

1. The Organization may, under Section 8, hold gold and, through normal channels, receive and transfer it to and from Egypt. It shall not, however, transfer from Egypt more gold than it has brought in.

2. With reference to Article 8, the Organization and the Government shall determine by mutual agreement the categories of officials and the nature and extent of facilities, privileges and immunities to be accorded to each category.

3. With reference to Section 25, the Organization will not claim on behalf of officials assigned to the staff of the Regional Office in Egypt, who are Egyptian nationals, irrespective of grade, immunity from the criminal jurisdiction of the Egyptian Courts in respect of words spoken or written and acts performed by them in so far as these words or acts are not spoken or written or performed by them in their official capacity.

4. In claiming the benefit of Section 27 (2) of the Agreement, the Organization will not claim on behalf of the persons mentioned in Section 27 (1) exemption from police regulations in so far as such regulations are made by virtue of the International Sanitary Conventions or by virtue of similar conventions, agreements or regulations adopted by the World Health Organization.

(Signed) MOHAMED SALAH EL-DINE

II

Letter from the World Health Organization to the Egyptian Government, dated 25 March 1951

Sir,

With respect to the conclusion between the Egyptian Government and the World Health Organization of the Agreement concerning the privileges, immunities and facilities to be accorded to the Organization in Egypt, and in answer to your letter of 25th March 1951, I have the honour to communicate the following:

1. I agree that . . .

[See paragraphs 1 to 4 of letter I]

(Signed) A. T. CHOUCHA PACHA
35. ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET L'ORGANISATION MONDIALE DE LA SANTÉ POUR DÉTERMINER LES PRIVILÈGES, IMMUNITÉS ET FACILITÉS ACCORDÉS PAR LE GOUVERNEMENT À L'ORGANISATION, AUX REPRÉSENTANTS DE SES MEMBRES, À SES EXPERTS ET SES FONCTIONNAIRES, DANS LES TERRITOIRES FRANÇAIS OU ADMINISTRÉS PAR LA FRANCE COMPRIS DANS LA RÉGION D'AFRIQUE, TELLE QU'ELLE A ÉTÉ DÉLIMITEE PAR LA PREMIÈRE ASSEMBLÉE MONDIALE DE LA SANTÉ. SIGNÉ À PARIS ET À GENÈVE, LES 23 JUILLET ET 1er AOÛT 1952 1

Le Gouvernement de la République française (ci-après dénommé « le Gouvernement ») d'une part, et
L'Organisation mondiale de la santé (ci-après dénommée « l'Organisation ») d'autre part,
Désireux de conclure un accord en vue de déterminer les privilèges, immunités et facilités qui devront être accordés par le Gouvernement à l'Organisation, aux représentants de ses Membres, à ses experts et à ses fonctionnaires, dans les territoires français ou administrés par la France compris dans la région d'Afrique, telle qu'elle a été délimitée par la Première Assemblée mondiale de la santé, et
Désireux de régler diverses autres questions connexes,
Ont convenu ce qui suit:

Article I

Définitions

Section 1

Dans le présent accord:

a) Le terme « territoires » désigne les territoires français ou administrés par la France compris dans la région d'Afrique, telle qu'elle a été délimitée par la Première Assemblée mondiale de la santé;

b) Aux fins d'application de l'article IV, les termes de « biens et avoirs », « fonds, devises ou numéraires », ou « avoirs, revenus et autres biens » comprennent les biens, avoirs et fonds qui sont administrés par l'Organisation en application de l'article 57 de sa Constitution ou dans l'accomplissement de ses fonctions constitutionnelles;

c) Le terme de « Membre » comprend les États Membres et les Membres associés de l'Organisation qui font partie du Comité régional pour l'Afrique, ainsi que les territoires ou groupes de territoires qui, bien que n'étant pas Membres associés, se trouvent représentés et participent à cet comité conformément à l'article 47 de la Constitution de l'Organisation;

d) Les termes de « représentants des Membres » comprennent tous les délégués, délégués suppléants, conseillers, experts techniques et secrétaires

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des délégations des États Membres du Comité régional pour la Région d'Afrique, ainsi que les membres du Conseil Exécutif de l'Organisation;

e) Les termes de « organes régionaux » de l'Organisation comprennent le Comité régional pour l'Afrique, son bureau régional à Brazzaville ainsi que toute subdivision de ces organes;

f) Aux fins de l'application des sections 4, 6, 16, 17 et 19 les termes « liberté de réunion » ou « réunion de l'Organisation » comprennent toutes les réunions des organes régionaux de l'Organisation, ainsi que toutes conférences ou sessions convoquées par l'Organisation, ou tenues sous son autorité, ou sous ses auspices, dans les territoires visés au présent accord;

g) Le terme « communications » désigne l'ensemble des correspondances postales, télégraphiques et téléphoniques de l'Organisation.

Article II

PERSONNALITÉ JURIDIQUE

Article III

LIBERTÉ D’ACTION ET DE RÉUNION

Section 2 . . .

Article IV

BIENS, FONDS ET AVOIRS

Section 3 . . .

Section 4 . . .

Section 5 . . .

Section 6 . . .

Section 7 . . .

. . .

Section 8

1) Sans être astreinte à aucun contrôle, réglementation ou moratoire financiers:

a) L'Organisation peut détenir des fonds, devises ou numéraires de toute nature et gérer des comptes en n'importe quelle monnaie;

b) L'Organisation peut transférer librement ses fonds, devises et numéraires à destination ou en provenance des territoires ou à l'intérieur de ces territoires et convertir toute devise détenue par elle en toute autre monnaie.

2) La présente section s'applique également aux Membres dans leurs relations avec l'Organisation.

Section 9

Le Gouvernement procure à l'Organisation des devises nationales au taux le plus favorable pratiqué par l'Office local des changes à concurrence du montant nécessaire pour couvrir les dépenses de l'Organisation dans les territoires visés dans le présent accord.

1 Les dispositions des sections 2 à 7 sont identiques en substance à celles des sections correspondantes de l'accord avec l'Inde reproduit plus haut.
Section 10
Dans l'exercice des droits qui lui sont accordés en vertu des sections 5, 6, 7, 8 et 9, l'Organisation tient compte de toute représentation qui lui serait faite par le Gouvernement, dans la mesure où elle estime pouvoir y donner suite sans porter préjudice à ses intérêts.

Section 11 . . .
Section 12 . . .

Article V
FACILITÉS DE COMMUNICATION

Section 13
L'Organisation jouit dans les territoires, pour ses communications officielles, d'un traitement non moins favorable que celui accordé par le Gouvernement à tout autre gouvernement, ou à la mission diplomatique de tout autre gouvernement, en matière de priorités, tarifs et taxes sur le courrier, les câblegrammes, télégrammes, radio-télégrammes, télèphotos, communications téléphoniques ou autres, ainsi qu'en matière de tarifs de presse pour les informations destinées à la presse et à la radio, sous réserve que ce traitement ne soit pas incompatible avec les clauses de la Convention internationale des télécommunications.  

Section 14 . . .

Article VI
REPRÉSENTANTS DES MEMBRES

Section 15 . . .
Section 16 . . .
Section 17 . . .
Section 18 . . .
Section 19 . . .

Article VII
EXPERTS SE TROUVANT EN MISSION POUR LE COMPTE DE L'ORGANISATION

Section 20 . . .
Section 21 . . .

1 Les dispositions des sections 11 et 12 sont identiques en substance à celles des sections correspondantes de l'accord avec l'Inde reproduit plus haut.


3 Les dispositions des sections 14 à 18 sont identiques en substance à celles des sections correspondantes de l'Accord avec l'Inde, à l'exception de l'alinéa g de la section 15 qui ne se trouve pas dans l'accord conclu avec la France. La section 19 de l'accord avec la France est identique à la section correspondante de l'Accord avec l'Egypte. Les dispositions des sections 20 et 21 de l'Accord avec la France sont essentiellement identiques à celles des sections 19 et 20 de l'Accord avec l'Inde.
Article VIII

Fonctionnaires

Section 22

Le Directeur général — ou le Directeur régional agissant en qualité de représentant dûment mandaté du premier — détermine, en consultation avec le Gouvernement:

a) Les différentes catégories de fonctionnaires bénéficiant des dispositions de la section 23 et de l'article IX;

b) L'étendue de ces immunités, privilèges et facilités applicables à chacune des catégories.

En outre le Directeur régional communique au Gouvernement la liste tenue à jour des fonctionnaires visés ci-dessus avec mention de la catégorie à laquelle ils appartiennent.

Section 23

Les fonctionnaires de l'Organisation jouissent:

a) De l'immunité de juridiction pour tous actes accomplis par eux en leur qualité officielle et dans la limite de leurs attributions, y compris leurs paroles et écrits;

f) Du droit d'importer en franchise de douane leurs meubles et effets personnels, dans les six mois qui suivent leur entrée en fonction définitive, ainsi que certains produits destinés à la consommation personnelle (nourriture, boissons, etc.) dont la liste est arrêtée en accord avec le Gouvernement;

Section 24

Outre les privilèges et immunités énumérés à la section 23, le Directeur général, le Directeur général adjoint, les Sous-Directeurs généraux et le Directeur régional jouissent pour eux-mêmes, pour leur conjoint et leurs enfants mineurs, des privilèges, immunités, exemptions et facilités accordés aux représentants des Membres.

Section 25

Les privilèges et immunités sont accordés aux fonctionnaires dans l'intérêt de l'Organisation et non pas à l'avantage personnel des intéressés. Le Directeur général a le droit et le devoir de lever l'immunité de tout fonctionnaire toutes les fois où, à son avis, cette immunité entraînerait l'action de la justice et où elle pourrait être levée sans porter préjudice aux intérêts de l'Organisation.

Section 26

L'Organisation prend les mesures nécessaires pour faciliter la bonne administration de la justice et l'observation des lois et règlements de tout ordre et pour éviter tout abus auquel pourraient donner lieu tous les privilèges, immunités et facilités qui leur sont accordés.

1 Les dispositions des alinéas b, c, d, e, et g de cette section sont identiques en substance à celles des alinéas correspondants de la section 22 de l'accord avec l'Inde.
Article IX  
**VISAS, PERMIS DE SÉJOUR, LAISSEZ-PASSER DES NATIONS UNIES**

*Section 27*

1) Le Gouvernement prend toutes les mesures nécessaires pour faciliter l'entrée et le séjour dans les territoires, ainsi que le départ de ces territoires, de toutes les personnes appelées, en qualité officielle, auprès de l'Organisation, à savoir:
   a) Les représentants des Membres;
   b) Les experts et conseillers se trouvant en mission pour le compte de l'Organisation, quelle qu'en soit la nationalité;
   c) Les fonctionnaires de l'Organisation;
   d) Toutes autres personnes, quelle qu'en soit la nationalité, invitées par l'Organisation.

2) Les règlements de police visant à restreindre l’entrée des étrangers dans les territoires ou à réglementer les conditions de leur séjour ne sont pas applicables à l’égard des personnes visées à la présente section.

3) Sous réserve des dispositions précédentes, les autorités françaises retiennent leur droit de décision et de contrôle en ce qui concerne l’entrée en territoire français des personnes et les conditions auxquelles ces personnes seront admises à demeurer ou à résider sur ledit territoire.

4) Par ailleurs, les personnes désignées au paragraphe 1 ne sont pas dispensées de l’observation des règlements de quarantaine et de santé publique.

5) Le Gouvernement adresse, à l’avance, à ses ambassades, légations et consulats à l’étranger, des instructions générales leur enjoignant d’accorder, dans le plus bref délai, le visa à tout requérant sur présentation d’un titre valable d’identité et de voyage, ainsi que d’une pièce établissant la qualité de représentant des Membres, expert, conseiller ou fonctionnaire de l’Organisation, sans exiger la présence personnelle du requérant, ni l’acquittement de taxes.

6) Les dispositions de la présente section s’appliquent au conjoint et aux enfants de l’intéressé si ceux-ci vivent avec lui et n’exercent pas de profession ou d’activité indépendante.

*Section 28*


*Section 29*

Le Directeur général, le Directeur général adjoint, les Sous-Directeurs généraux, les Directeurs régionaux et les Directeurs de l’Organisation, se trouvant en voyage officiel pour le compte de celle-ci, jouissent des mêmes facilités que les représentants des Membres.

Article X  
**LOCAUX ET LOGEMENTS**

*Section 30*

1) Le Gouvernement donne à l’Organisation et à son personnel toute l’assistance requise pour leur procurer, aux conditions les plus favorables,
les locaux ou logements qui leur sont nécessaires et pour faciliter leur installation dans lesdits locaux ou logements.

2) Le Gouvernement exerce la surveillance de police qu'exigent la protection des locaux de l'Organisation et le maintien de l'ordre dans leur voisinage immédiat. À la demande du Directeur régional, le Gouvernement envoie les forces de police nécessaires au maintien de l'ordre à l'intérieur des bâtiments.

**Article XI**

**Section 31**

**Sécurité du Gouvernement**

1) Rien dans le présent accord n'affecte le droit du Gouvernement de prendre toutes mesures de précaution utiles à la sécurité de l'Union française et au maintien de l'ordre public.

2) Au cas où il estimerait nécessaire d'appliquer le premier paragraphe de la présente section, le Gouvernement se met, aussi rapidement que les circonstances le permettent, en rapport avec l'Organisation en vue d'arrêter, d'un commun accord, les mesures nécessaires à la protection des intérêts de cette dernière.

**Article XII**

**Section 32**

**Règlements des différends**

L'Organisation veille à ce que, par une procédure appropriée de son choix, il soit pourvu au règlement:

a) Des différends en matière de contrat ou autres différends de droit privé dans lesquels l'Organisation est partie;

b) Des différends dans lesquels est impliqué un fonctionnaire de l'Organisation qui, du fait de sa situation officielle, jouit de l'immunité, si cette immunité n'a pas été levée par le Directeur général conformément aux dispositions de la section 25.

**Section 33**

Toute divergence de vues entre l'Organisation et le Gouvernement portant sur l'interprétation ou l'application du présent accord ou d'un accord ou arrangement complémentaire, qui n'aurait pas été réglée par voie de négociation, est déférée à un collège d'arbitres de trois membres ; le premier de ces arbitres est nommé par le Gouvernement, le second par le Directeur général de l'Organisation et le troisième, qui présidera le collège d'arbitres, est désigné par le Président de la Cour internationale de Justice, à moins que les parties au présent accord ne décident, dans un cas d'espèce, de recourir à un mode différent de règlement.

**Article XIII**

**Dispositions finales**

**Section 34**

Le présent accord entre en vigueur dès qu'il aura été signé par le Gouvernement et adopté par l'Assemblée mondiale de la santé.
ÉCHANGE DE LETTRES

I

Lettre du 4 août 1952, adressée par le Gouvernement français à l'Organisation mondiale de la santé au sujet de l'interprétation et de l'application de l'Accord

Monsieur le Directeur général,

En vue de la conclusion de l'accord entre le Gouvernement de la République française et l'Organisation mondiale de la santé relativement aux privilèges, immunités et facilités qui seront accordés à l'Organisation dans les territoires français ou administrés par la France compris dans la région d'Afrique, j'ai l'honneur de vous communiquer les précisions ci-dessous:

a) Les sections 6 et 7 confèrent certaines immunités aux locaux de l'Organisation. Il s'agit en l'espèce exclusivement des locaux administratifs occupés par l'Organisation.

Dans le cas où il y aurait des preuves ou des présomptions graves de la présence dans ces locaux soit de personnes poursuivies pour des crimes ou délits de droit commun ou pour atteinte à la sûreté de l'Etat, soit de documents ou objets illégalement introduits, le Directeur régional, agissant en votre nom, s'entendra avec les autorités gouvernementales pour lever les immunités.

b) Les dispositions du paragraphe b de la section 23 devront être enten-dues sous la réserve qu'un Etat peut taxer ses ressortissants à moins que les États Membres ne conviennent d'un système par lequel les salaires et émoluments en question seraient imposés par l'Organisation elle-même.

c) Le Gouvernement regrette de ne pouvoir exempter les fonctionnaires internationaux ressortissants de l'Union française des obligations militaires auxquelles sont assujettis tous les Français sans distinction. Il examinera cependant les cas d'espèce avec toute la bienveillance désirable, compte tenu des responsabilités internationales qui incombent aux fonctionnaires de l'Organisation.

Veuillez agréer, etc.

(Signé) Maurice SCHUMANN
Secrétaire d'État aux affaires étrangères

II

Réponse, en date du 13 août 1952, de l'Organisation mondiale de la santé à la note du Gouvernement français concernant l'interprétation et l'application de l'Accord

Monsieur le Ministre,

Comme suite à la conclusion de l'accord entre le Gouvernement de la République française et l'Organisation mondiale de la santé relativement aux privilèges, immunités et facilités qui seront accordés à cette Organisation dans les territoires français ou administrés par la France compris dans la région d'Afrique et en réponse à votre lettre du 4 août 1952 (réf. 565 SC), j'ai l'honneur de vous communiquer ce qui suit:

a) Je conviens que les dispositions des sections 6 et 7 ne s'appliquent qu'aux locaux administratifs occupés par l'Organisation et que le Directeur régional s'entendra avec les autorités gouvernementales pour lever les immunités en question dans le cas où il y aurait des preuves ou des présomptions
graves de la présence dans ces locaux soit de personnes poursuivies pour des crimes ou délits de droit commun ou pour atteinte à la sûreté de l'Etat, soit de documents ou objets illicITEMENT introduits.

b) Je prends note de votre déclaration aux termes de laquelle les dispositions du paragraphe 6 de la section 23 devront être entendues sous la réserve qu’un État peut taxer ses ressortissants à moins que les États Membres ne conviennent d’un système par lequel les salaires et émoluments en question seraient imposés par l’Organisation elle-même.

c) Je prends note de l’engagement pris par le Gouvernement français, dans l’impossibilité où il se trouve d’exempter les fonctionnaires internationaux, ressortissants de l’Union française, des obligations militaires auxquelles sont assujettis tous les Français sans distinction, d’examiner les cas d’espèce avec toute la bienveillance désirables, compte tenu des responsabilités internationales qui incombent aux fonctionnaires de l’Organisation.

Veuillez agréer, etc.

Pour le Dr Brock Chisholm, Directeur général :
(Signé) Dr P. Dorolle

III

Lettre du Gouvernement français, en date du 4 août 1952, transmettant l’Accord signé à l’Organisation mondiale de la santé

Monsieur le Directeur général,

En vous renvoyant ci-joint, revêtu de ma signature, l’accord passé entre le Gouvernement de la République française et l’Organisation mondiale de la santé, j’ai l’honneur de vous faire savoir que, sans attendre son approbation par l’Assemblée mondiale de la santé, le Gouvernement français est disposé, pour sa part, à en appliquer les clauses, notamment en vue de l’installation du Bureau régional de l’Afrique à Brazzaville.

En ce qui concerne la réserve qui figure dans la note d’interprétation dudit accord et qui a trait à l’exonération d’impôts des ressortissants français, je tiens à vous assurer que les autorités compétentes soumettront sans délai les demandes d’exonération dont elles seront saisies aux Assemblées responsables des territoires, seules habilitées à en décider. Je ne doute pas que ces demandes seront examinées dans l’esprit le plus bienveillant.

Veuillez agréer, etc.

Pour le Ministre et par autorisation :
(Signé) V. Broustra
Ministre plénipotentiaire
Directeur du Secrétariat des Conférences

IV

Réponse, en date du 13 août 1952, de l’Organisation mondiale de la santé à la lettre de transmission du Gouvernement français

Monsieur le Ministre,

J’ai l’honneur d’accuser réception de votre lettre en date du 4 août 1952 (réf. 564 SC) accompagnant l’accord passé entre le Gouvernement de la République française et l’Organisation mondiale de la santé pour déterminer dans la Région africaine le statut juridique de cette Organisation et de ceux
qui y sont rattachés; je vous remercie vivement de cet envoi et note avec plaisir que le Gouvernement français est disposé à en appliquer les clauses, sans attendre l’approbation dudit accord par l’Assemblée de la Santé.

Je note également avec satisfaction l’assurance que vous voulez bien me donner concernant la réserve figurant dans la note d’interprétation de l’accord susvisé et qui a trait à l’exonération d’impôts des ressortissants français, assurance selon laquelle les autorités compétentes soumettront sans délai les demandes d’exonération dont elles seront saisies aux Assemblées responsables des territoires, seules habilitées à en décider.

Veuillez agréer, etc.

Pour le Dr Brock Chisholm, Directeur général:
(Signé) Dr P. Dorolle

36. AGREEMENT 1 BETWEEN THE GOVERNMENT OF DENMARK AND THE WORLD HEALTH ORGANIZATION FOR THE PURPOSE OF DETERMINING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED BY THE GOVERNMENT TO THE ORGANIZATION IN RESPECT OF THE REPRESENTATIVES OF ITS MEMBERS, ITS EXPERTS AND OFFICIALS, IN PARTICULAR WITH REGARD TO ITS ARRANGEMENTS IN THE EUROPEAN REGION.

SIGNED AT GENEVA, ON 29 JUNE 1955, AND AT COPENHAGEN, ON 7 JULY 1955 2

The Government of Denmark, of the one part, and the World Health Organization, of the other,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the Government of Denmark to the World Health Organization, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the European Region, and of regulating other related matters,

Have agreed as follows:

Article IV

PROPERTY, FUNDS AND ASSETS

Section 8. (1) Without being restricted by financial controls, regulations or moratoria of any kind: (a) the Organization may receive and hold funds, notes, coins, gold, currency and securities of any kind and operate accounts in any currency; (b) the Organization shall be free to transfer its funds, notes, coins, gold, currency or securities to or from Denmark or within Denmark and to convert any currency held by it into any other currency.

2 Came into force on 29 June 1956, in accordance with section 33.
Official Article VIII

Sections 22. (1) Officials of the Organization, irrespective of nationality, 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 in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Danish nationality shall: (a) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration; (b) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Denmark; (c) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions; (d) have the right to import free of duty their furniture and effects at the latest within a period of three years upon their definitive appointment to their post in Denmark, as well as certain products intended for personal consumption (food products, drinks, etc.) in accordance with a list to be approved by the Government of Denmark; (e) have the right, once every three years, to import free of customs and excise duties a motor vehicle, it being understood that permission to sell or dispose of the vehicle in the open market will normally be granted two years after its importation only. It is further understood that customs duties will become payable in the event of the sale or disposal of such motor vehicle within three years after its importation to a person not entitled to this exemption.

Note: Section 13 of this agreement is identical with section 13 of the agreement with France. Section 23 (1) is identical with section 24 (1) of the agreement with Egypt. The remaining provisions are substantially the same as the corresponding provisions of the agreement with India. There is no provision in this agreement corresponding with section 15 (g) of the agreement with India.

37. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT\textsuperscript{1} BETWEEN THE GOVERNMENT OF DENMARK AND THE WORLD HEALTH ORGANIZATION REGARDING THE INTERPRETATION AND APPLICATION OF THE AGREEMENT OF 29 JUNE AND 7 JULY 1955. COPENHAGEN, 7 JULY 1955, AND GENEVA, 15 JULY 1955

I

LETTER FROM THE DANISH GOVERNMENT TO THE WORLD HEALTH ORGANIZATION, DATED 7 JULY 1955, REGARDING THE INTERPRETATION AND APPLICATION OF THE AGREEMENT

In connexion with the signature of a Host Agreement between the Government of Denmark and the World Health Organization for the purpose of

\textsuperscript{1} Came into force on 29 June 1956, the date of entry into force of the Agreement.
determining the privileges, immunities and facilities to be granted by the Government to the Organization, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the European Region, and of regulating other related matters, I have the honour to record my understandings regarding the following matters:

(a) With respect to the expression "for official use" in section 11 (b), the exemption granted by this Section is to be confined to goods and articles required by the Organization for its own purposes and functions and will not be claimed by the officials of the Organization individually.

(b) With respect to the expression "minor purchases" in section 12, this term is to be deemed to mean purchases of which the amount does not exceed 200 Danish kroner, it being understood that an amount exceeding 200 kroner may be the aggregate of several purchases from the same supplier during any quarter of the year.

(c) In respect of return of amounts of duty or tax on purchase for official use under section 12, the position of the Organization will be assimilated to that of the diplomatic missions in Copenhagen, without any reservation as to reciprocity, and for administrative purposes the Organization will, to the extent possible, avail itself of the possibility which exists for such missions to make purchases in the Free Port of Copenhagen.

(d) With respect to permission to sell or dispose of vehicles imported free of customs and excise duties in the open market under section 22 (2)(e) less than two years after importation, the officials of the Organization will be accorded treatment no less favourable than that accorded to diplomatic and consular officials in Denmark, and the Government will give sympathetic consideration to requests by the Organization in cases where an official, for reasons outside his own control, has to leave Denmark.

I therefore propose that, if these understandings meet with your approval, this letter and your reply in similar terms shall be considered as confirming our understandings upon the matters set forth above.

(Signed) H. C. Hansen
Minister for Foreign Affairs

II

REPLY FROM THE WORLD HEALTH ORGANIZATION
TO THE DANISH GOVERNMENT, DATED 15 JULY 1955, REGARDING
THE INTERPRETATION AND APPLICATION OF THE AGREEMENT

I am in receipt of your letter of 7 July 1955 in connexion with the signature of a Host Agreement between the Government of Denmark and the World Health Organization for the purpose of determining the privileges, immunities and facilities to be granted by the Government to the Organization, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the European Region, and of regulating other related matters, and by which you record your understandings regarding the following matters:

[See note 1]

I have the honour to concur in the proposals made in your letter and to inform you that the understandings set forth therein meet with the approval
of the World Health Organization. Your letter and the present letter, accordingly, are considered as confirming these understandings.

For the Director-General of the
World Health Organization
(Signed) Dr. P. DOROLLE


WHEREAS:

The fundamental purposes of the Pan American Sanitary Bureau are "to promote and coordinate efforts of the countries of the Western Hemisphere to combat disease, lengthen life, and promote the physical and mental health of the people";

For the purpose of fulfilling these objectives, it is desirable to establish a Zone Office in the Southern Region of South America;

The Government of Argentina has been consulted and has agreed to the establishment of such a Zone Office, offering the facilities that are afforded to international organizations;

By virtue of the provisions of the Pan American Sanitary Code, signed at Havana, Cuba, on 14 November 1924 and ratified by the Republic of Argentina and by the other American Republics, the Pan American Sanitary Bureau is the co-ordinating agency of international health activities in the Pan American Republics;

By virtue of the Agreement between the World Health Organization and the Pan American Sanitary Bureau, signed on 24 May 1949, the Bureau is also the Regional Office of the World Health Organization for the Western Hemisphere;

The Agreement between the Council of the Organization of American States and the Pan American Sanitary Organization recognized the status of the latter as an Inter-American Specialized Organization; and

It is desirable to conclude an agreement for the purpose of determining the conditions, facilities and privileges to be granted by the Government of the Republic of Argentina to the Pan American Sanitary Bureau, in connection with the establishment of the Zone Office in the city of Buenos Aires,

NOW THEREFORE

THE GOVERNMENT OF THE REPUBLIC OF ARGENTINA (hereinafter called the "Government"), represented by D. JERONIMO REMORINO, Minister of Foreign Affairs and Worship, of the one part,

and

THE PAN AMERICAN SANITARY BUREAU (hereinafter called the "Bureau"), represented by Dr. FRED L. SOPER, Director, of the other part,

1 Text of Agreement provided by the World Health Organization.
Section I

Establishment and Purpose of the Zone Office

Article 1. The Government authorizes the Bureau to establish a Zone Office in the city of Buenos Aires, which shall serve as a regional center to promote, coordinate and develop the functions of the Pan American Sanitary Bureau as established in the Pan American Sanitary Code and by the Pan American Sanitary Conferences, and to coordinate the activities of the World Health Organization in the countries comprising the Southern Region of South America.

Article 2. The Zone Office shall be an integral part of the Pan American Sanitary Bureau and shall be entitled to the juridical status and the privileges and immunities specified herein as appertaining to the Bureau.

Section II

Legal Capacity, Privileges and Immunities

Article 3. The Bureau shall enjoy in the territory of the Republic of Argentina, to the extent compatible with the instrument that established it, the capacity to enter into contracts, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

Article 4. The Bureau, its property, funds and other assets shall be:

(a) Exempt from all direct taxes; it is understood, however, that it may not claim exemption from charges which are, in fact, charges for public utility services;

(b) Exempt from customs duties and prohibitions and restrictions in respect of operating goods or articles that it imports or exports for its official use. It is understood, however, that any articles imported free of duty shall not be sold in the country, except under conditions agreed upon with the Government;

(c) Exempt from customs duties and prohibitions and restrictions in respect of the import or export of its official publications.

Article 5. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) The Bureau may hold funds or currency of any kind and operate accounts in any currency;

(b) The Bureau shall be free to transfer its funds or currency within or outside the country, and to convert any currency held by it into any other currency.

In exercising these rights, the Bureau shall pay due regard to any representations made by the Government.

Article 6. The property and assets of the Bureau shall enjoy immunity from every form of legal process, except in so far as in any particular case the immunity has been expressly waived.

Article 7. The premises of the Bureau, its archives and documents shall be inviolable.

Article 8. The Bureau shall enjoy in Argentina for its official communications treatment as favorable as that accorded to diplomatic missions, in
the matter of priorities, rates and taxes on mail, cables, telegrams, radiograms, telephone and other communications.

Section III

Representatives and Staff

Article 9. The Director of the Bureau or his duly authorized representatives shall communicate to the Government the names of the representatives and international staff of the Bureau to whom the privileges mentioned in this Section and in Section IV shall apply in Argentina.

Article 10. The representatives of the Bureau and other members of the international staff in Argentina shall:

(a) Be immune from legal process of any kind in respect of words spoken or written and all acts performed by them in their official capacity;
(b) Be exempt from taxation in respect to the salaries and emoluments paid to them by the Bureau;
(c) Be immune from national service of any kind, except in so far as the States of which they are nationals require such service;
(d) Be immune, together with their spouses and relatives dependent on them, from any form of immigration restrictions and alien registration;
(e) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government;
(f) Have the right to import free of duty their furniture, automobile and personal effects when taking up their post;
(g) Have the right to export free of duty their furniture and personal effects upon termination of their service in the Zone Office.

Article 11. The Bureau shall cooperate with the appropriate authorities of Argentina to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges and immunities mentioned in this Section.

Article 12. The Bureau shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other questions of a private law character to which the Bureau is a party;
(b) Disputes involving any official or member of the staff of the Bureau with reference to which immunity is enjoyed, if immunity has not been waived by the Director in accordance with Article 13.

Section IV

Nature of the Privileges and Immunities

Article 13. Privileges and immunities are granted to officials and members of the staff of the Bureau exclusively in the interest of the Organization. Consequently, the Director shall waive the privileges and immunities of any official or staff member in any case in which, in his opinion, the privilege or immunity would impede the course of justice and can be waived without prejudice to the interests of the Bureau.

Article 14. Nothing in the present Agreement shall be construed to preclude the adoption of appropriate security precautions in the interest of the
Government, which shall be determined by agreement between the Government and the Director of the Bureau.

Article 15. The present Agreement shall enter into force provisionally when it is signed, being subject to subsequent legislative approval.


WHEREAS:
The fundamental purposes of the Pan American Sanitary Bureau are "to promote and coordinate efforts of the countries of the Western Hemisphere to combat disease, lengthen life, and promote the physical and mental health of the people ";
For the purpose of fulfilling these objectives, it is desirable to maintain and expand the Regional Office that has been operating in Rio de Janeiro since June 1950, with the assent of the health authorities;
The Government of the United States of Brazil has been consulted and has agreed to grant to the said Regional Office the facilities that are afforded to international organizations;
By virtue of the provisions of the Pan American Sanitary Code, signed at Havana, Cuba, on 14 November 1924 and ratified by Brazil, the Pan American Sanitary Bureau is the coordinating agency of international health activities in the American Republics;
By virtue of the Agreement between the World Health Organization and the Pan American Sanitary Bureau, signed on 24 May 1949, the Bureau is the Regional Office of the World Health Organization for the Western Hemisphere; and
It is desirable to conclude an agreement for the purpose of determining the conditions, facilities and privileges to be granted by the Government of Brazil to the Pan American Sanitary Bureau, in connection with the operation of the Regional Office in the city of Rio de Janeiro,

NOW THEREFORE

The Government of the United States of Brazil (hereinafter called "the Government"), represented by João Neves da Fontoura, Minister of State for Foreign Affairs, and Ernesto Simões Filho, Minister of State for Education and Health, of the one part,

and

The Pan American Sanitary Bureau (hereinafter called the "Bureau"), represented by Dr. Fred L. Soper, Director, of the other part,

1 Text of Agreement provided by the World Health Organization.
2 Promulgated by Decree No. 36155 of 13 September 1954. Published in Diario Oficial of 15 September 1954.
HAVE AGREED as follows:

I

PURPOSE AND OPERATION OF THE REGIONAL OFFICE

Article 1. The Bureau is authorized to maintain the Regional Office in Rio de Janeiro, which shall continue to serve as a center to promote, coordinate and develop the functions established in the Pan American Sanitary Code and the activities of the World Health Organization in Brazilian territory and in neighboring countries that are within the sphere of operations established for the said Office.

Article 2. The Regional Office in Rio de Janeiro shall be an integral part of the Bureau and shall be entitled to the juridical status and the privileges and immunities specified herein as appertaining to the Bureau.

II

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 3. The property and assets of the Bureau shall enjoy immunity from every form of legal process, except in so far as in any particular case the immunity has been expressly waived by the Director of the Bureau.

Article 4. The premises of the Regional Office, its archives and documents shall be inviolable.

Article 5. The Bureau, its assets and property in Brazil shall be:

(a) Exempt from all direct taxes; it is understood, however, that it may not claim exemption from charges which are, in fact, charges for public utility services;

(b) Exempt from customs duties and prohibitions and restrictions in respect of operating goods or articles that it must import or export for use in its technical and scientific activities. It is understood that any article imported free of duty shall not be sold in the country, except under conditions agreed upon with the Government;

(c) Exempt from customs duties and prohibitions and restrictions in respect of the import or export of its official publications; and

(d) The official correspondence of the Bureau shall be exempt from postal charges, in accordance with the laws of the country, international conventions and agreements to be reached with the appropriate authorities.

Article 6. The Bureau may acquire no form of immovable property in Brazil.

III

REPRESENTATIVES AND STAFF

Article 7. The Director of the Bureau or his duly authorized representative shall communicate to the Government the names of the officers and international staff to whom the privileges mentioned in this Chapter and in Chapter IV shall apply.

Article 8. The representatives and officers of the Bureau and the international personnel that work for the Bureau in Brazil shall:

(a) Be immune from legal process of any kind in respect of words spoken or written and all acts performed by them in the performance of their functions;
(b) Be exempt from taxation in respect to the salaries and emoluments paid to them by the Bureau;

(c) Have the right to import free of duty their furniture and household goods, their personal baggage and that of their family.

Article 9. Any of the personnel referred to in the preceding Article who are of Brazilian nationality shall not be entitled to the immunities and exemptions set forth in that Article.

Article 10. The Bureau shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other questions of a private law character to which the Bureau is a party;

(b) Disputes involving any officer or member of the Bureau who enjoys immunity, if immunity has not been waived by the Director in accordance with Article 11.

IV

NATURE OF THE PRIVILEGES AND IMMUNITIES

Article 11. Privileges and immunities are granted to officers and members of the staff of the Bureau exclusively in the interest of the Bureau, and the Director shall waive the privileges and immunities of his representatives or any staff member in any case in which the privilege or immunity would impede the course of justice and can be waived without prejudice to the interests of the Bureau.

V

DURATION, MODIFICATION, AND TERMINATION

Article 12. The present Agreement may be revised at the request of either party. In this event, the parties shall consult each other concerning the modifications to be made. If the negotiations do not result in an understanding within one year, the present Agreement may be rescinded or denounced by either party giving one year's notice, at the end of which period it shall become void.

Article 13. The present Agreement shall enter into force on the date on which the Government notifies the Bureau of its final approval, after the constitutional formalities in force in Brazil have been fulfilled.

40. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF MEXICO AND THE PAN AMERICAN SANITARY BUREAU REGARDING THE ESTABLISHMENT OF A ZONE OFFICE IN MEXICO CITY AND THE PRIVILEGES AND IMMUNITIES NECESSARY FOR ITS OPERATION, 26 AUGUST 1952

WHEREAS:

The fundamental purposes of the Pan American Sanitary Bureau are to promote and coordinate efforts of the countries of the Western Hemi-

1 Text of Agreement provided by the World Health Organization.

2 Came into force on 26 August 1956, as from the date of signature, in accordance with article VIII, section 18.
sphere to combat disease, lengthen life, and promote the physical and mental health of the people.”

For the purpose of fulfilling these objectives, it is desirable to establish a Zone Office in the territory of Mexico the activities of which will also extend to other countries of the Region;

The Government of Mexico has been consulted and has agreed to the establishment of such a Zone Office, offering the facilities that are afforded to international organizations;

By virtue of the provisions of the Pan American Sanitary Code, signed at Havana, Cuba, on 14 November 1924, and ratified by the United States of Mexico and by other American Republics, the Pan American Sanitary Bureau is the coordinating agency of international health activities in the American Republics;

By virtue of the Agreement between the World Health Organization and the Pan American Sanitary Bureau, signed on 24 May 1949, the Bureau is also the Regional Office of the World Health Organization for the Western Hemisphere;

The Agreement between the Council of the Organization of American States and the Pan American Sanitary Organization recognized the status of the latter as an Inter-American Specialized Organization; and

It is desirable to conclude an Agreement for the purpose of determining the conditions, facilities and privileges to be granted by the Government of the United States of Mexico to the Pan American Sanitary Bureau, in connection with the establishment of the Zone Office in Mexico City:

NOW THEREFORE

THE GOVERNMENT OF THE UNITED STATES OF MEXICO (hereinafter called the “Government”) represented by Mr. Alfonso Guerra, Under Secretary Of Foreign Affairs, of the one part,

and

THE PAN AMERICAN SANITARY BUREAU (hereinafter called the “Bureau”) represented by Dr. Marcolino G. Candau, Acting Director, of the other part,

HAVE AGREED as follows:

Article I

Establishment and Purpose of the Zone Office

Section 1. The Government authorizes the Bureau to establish a Zone Office in Mexico City which shall serve to promote, coordinate and develop the functions of the Pan American Sanitary Bureau as established in the Pan American Sanitary Code and by the Pan American Sanitary Conferences, and to coordinate the activities of the World Health Organization in the territory of Mexico and other countries comprising the Region.

Section 2. The Zone Office shall be an integral part of the Pan American Sanitary Bureau and shall be entitled to the juridical status and the privileges and immunities specified in the present Agreement.

Article II

Legal Capacity

Section 3. The Bureau shall enjoy legal rights in the territory of Mexico and shall have the capacity: (a) to enter into contracts, (b) to freely acquire
and dispose of movable property, and (c) to institute legal and administrative procedures.

Article III

Freedom of Action

Section 4. The Bureau shall enjoy in Mexico the independence and freedom of action granted to international organizations, in keeping with international custom.

Article IV

Property and Assets

Section 5. In Mexico the Bureau, its properties and assets shall be exempt from legal and administrative procedures, except in those particular cases in which the Director of the Bureau or his duly authorized representative expressly waive this immunity.

Section 6. The premises of the Bureau, its archives and documents shall be inviolable.

Section 7. The Bureau, its property and assets shall be: (a) exempt from all direct or indirect taxes; it is understood, however, that it may not claim exemption from charges which are, in fact, charges for public utility services; (b) exemption from customs duties and prohibitions and restrictions in respect of operating goods, medical supplies and articles that it imports or exports for its official use. It is understood, however, that the articles imported free of duty will not be sold except under conditions agreed upon with the Government. The exceptions to the free of duty importations are understood to be such articles as firearms, for example, that are subject to special regulations for entry into Mexico. Each case regarding such imported articles shall be decided upon separately, and (c) exempt from customs duties, prohibitions and restrictions in respect of the import or export of its official publications.

Section 8. Without being restricted by financial controls, regulations or moratoria of any kind, (a) the Bureau may hold funds or currency of any kind and operate accounts in any currency, and (b) the Bureau shall be free to transfer its funds within or outside Mexico and to convert any currency held by it into any other currency.

Section 9. In exercising the rights conferred in Section 8, the Bureau shall pay due regard to any representations made by the Government.

Article V

Communications Facilities

Section 10. The Bureau shall enjoy in Mexico for its official communications treatment no less favorable than that accorded by the Government to any other Government including its diplomatic missions, in the matter of priorities, rates and taxes on mail, cablegrams, telegrams, radiograms, telephones, and other communications.

Section 11. The Bureau shall be entitled to dispatch and receive correspondence by messengers or sealed pouches.
Article VI

Representatives and Staff of the Bureau

Section 12. The representatives of the Bureau and its staff who are not of Mexican nationality shall:

(a) Be immune from legal process of any kind in respect of words spoken or written and all acts performed by them in their official capacity;

(b) Be exempt from taxation in respect to the salaries and emoluments paid to them by the Bureau;

(c) Be immune from any national compulsory service;

(d) Receive for themselves, their wives and dependants all the facilities compatible with the law as regards immigration;

(e) Be granted the same privileges in respect of exchange as are accorded to members of the diplomatic corps;

(f) Have the right to import, export, free of duty their furniture and personal effects. The Representative of the Bureau will be granted for one single time the privilege of importing into the country, free of duty, an automobile for his personal use. The rest of the Bureau staff will be permitted the temporary entry of their respective vehicles, valid for the duration of their stay in the country while on official duty.

Section 13. The Director of the Bureau or his duly authorized representative shall advise the Government of the names of those members of personnel and other international staff of the Bureau, to whom the privileges enumerated in Section 12 are to be extended.

Section 14. Privileges and Immunities are granted to the representative and international personnel of the Bureau exclusively in the interest of the Bureau. Consequently, the Director or his duly authorized representative to this end shall waive the privileges and immunities of any official or international staff member in any case in which, in his opinion, the privilege or immunity would impede the course of justice and it can be waived without prejudice to the interests of the Bureau.

Article VII

Cooperation and Settling of Disputes

Section 15. The Bureau shall cooperate with the appropriate authorities of the country to facilitate the proper administration of justice, to secure the observance of police regulations and prevent the occurrence of any abuse of the privileges and immunities granted in this Agreement.

Section 16. The Bureau shall make provision for appropriate modes of settlement of: (a) disputes arising out of contracts or other questions of a private law character to which the Bureau is a party; and (b) disputes involving any official or member of the staff of the Bureau with reference to which immunity is enjoyed, if immunity has not been waived by the Director in accordance with Section 14.

Article VIII

Final Provisions

Section 17. No provision of this Agreement shall be construed to preclude the adoption of appropriate security measures in the interests of the Government.
Section 18. This Agreement shall come into force on the date of signature.

Section 19. This Agreement may be modified by mutual consent between the Government and the Bureau.

Section 20. This Agreement may be terminated by either party upon written notice to the other and shall terminate one year after receipt of such notice.

41. AGREEMENT BETWEEN THE GOVERNMENT OF PERU AND THE PAN AMERICAN SANITARY ORGANIZATION,
13 AUGUST 1957

THE GOVERNMENT OF THE REPUBLIC OF PERU, of the one part, and
THE PAN AMERICAN SANITARY ORGANIZATION, of the other,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities, and exemptions to be granted by the Government of the Republic of Peru to the Pan American Sanitary Organization, to the representatives of its Members, and to its experts and officials, in particular with regard to its arrangements and preparations in Zone IV, and of regulating other matters related to this Zone,

HAVE AGREED AS FOLLOWS:

Article I

DEFINITIONS

Section 1

In the present Agreement:

(i) The word "Organization" shall mean the Pan American Sanitary Organization, which serves also as the Regional Organization of the World Health Organization for the Americas;

(ii) For the purpose of Article IV, the words "property and assets", "funds, notes, coins, securities, gold or currency", or "assets, income, and other property" shall be deemed to include property, assets, and funds administered by the Organization under its Constitution and/or in furtherance of its constitutional functions;

(iii) The words "representatives of Members" shall be deemed to include all delegates to the Pan American Sanitary Conference; all persons designated by Members to serve on the Directing Council and the Executive Committee of the Pan American Sanitary Organization; as well as all delegates, alternates, advisers, technical experts who are members of delegations, and secretaries of delegations;

(iv) The word "Members" shall be deemed to include the States Members of the Pan American Sanitary Organization and any territory or group of territories which, without being a Member, is represented and participating in the Conference, in the Directing Council, or in the Executive Committee, in accordance with Article 2 of the Constitution;

(v) The words "principal or subsidiary organs" shall be deemed to include the Pan American Sanitary Conference, the Directing Council, the Executive Committee, the Pan American Sanitary Bureau, and any of the sub-divisions of all these organs in Peru;

1 Text of Agreement provided by the World Health Organization. Entered into force on 4 March 1958.
(vi) For the purposes of Sections 4, 6, 16, and 17, the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in Peru.

**Article II**

**JURIDICAL PERSONALITY**

**Section 2**

The Organization shall possess juridical personality and legal capacity and, in particular, capacity

(a) To contract,
(b) To acquire and dispose of immovable and movable property, and
(c) To institute legal proceedings.

**Article III**

**FREEDOM OF ACTION**

**Section 3**

The Organization and its principal or subsidiary organs shall have in Peru the independence and freedom of action belonging to an international organization.

**Section 4**

The Organization, its principal or subsidiary organs, as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in Peru absolute freedom of meeting, including freedom of discussion and decision; the Organization will notify the Government of Peru, in advance, of any meeting it will hold in Peru.

**Article IV**

**PROPERTY, FUNDS, AND ASSETS**

**Section 5**

The Organization and its property and assets located in Peru shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Director of the Bureau. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

**Section 6**

(1) The premises of the Organization in Peru or any premises in Peru occupied by the Organization in connection with a meeting of the Organization shall be inviolable.

(2) The premises and the property and assets of the Organization shall enjoy the immunities and privileges accorded to the property and assets of foreign States.

**Section 7**

The archives of the Organization and, in general, all documents belonging to it or held by it shall be inviolable, wherever located.
Section 8

(1) Without being restricted by financial controls, regulations, or moratoria of any kind, the Organization may:

(a) Receive and hold funds, notes, coins, gold, currency, and securities of any kind and operate accounts in any currency;

(b) Be free to transfer its funds, notes, coins, gold, currency, or securities to or from Peru or within Peru and to convert any currency held by it into any other currency.

(2) This section shall apply also to Members of the Organization in their relations with the Organization.

Section 9

The Organization shall, in exercising its rights under Section 6, 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.

Section 10

The Organization, its assets, income, and other property shall be:

(a) Exempt from the payment of all taxes; it is understood, however, that the Organization will not claim exemption from taxes or excise 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 medical supplies or any other goods or articles required by the Organization for official use. It is understood, however, that such medical supplies, goods, or articles imported by the Organization under such exemption will not be sold in Peruvian territory except under conditions mutually agreed with the Government of Peru;

(c) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article V

Facilities in Respect of Communications

Section 11

The Organization shall enjoy in Peru for its official communications treatment not less favorable than that accorded by the Government of Peru to any other government, including its diplomatic missions, 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, on the condition that such treatment is not incompatible with the terms of international conventions.

Section 12

(1) No censorship shall be applied to the official correspondence and other official communications of the Organization.

(2) The Organization shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.
Article VI

Representatives of Members

Section 13

Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization shall, while exercising their functions and during their journeys 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 official capacity, immunity from legal process of every kind;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to dispatch or receive papers and correspondence by courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or military service obligations in Peru;

(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 members of comparable rank of diplomatic missions.

Section 14

In order to secure for the representatives of Members of the Organization complete freedom of speech at the Organization's meetings and independence 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 the discharge of their duties shall continue to be accorded notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15

If the incidence of any form of taxation depends upon residence in Peru, periods during which the representatives of Members of the Organization are present at a meeting of the Organization in Peru for the discharge of their duties shall not be considered as periods of residence.

Section 16

Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a Member not only has the right, but is under a duty, to waive the immunity of its representatives 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 VII

Experts on Missions for the Organization

Section 17

Experts and consultants other than those who under Section 1 (iii) or as officials come within the scope of Articles VI and VIII, respectively, and
who perform missions for the Organization 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 and, 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 in respect of words spoken or written or acts done by them in the performance of their mission shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organization;

(b) Inviolability for all papers and documents;

(c) For the purpose of their communications with the Organization, the right to use codes and to dispatch or receive papers or correspondence by courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens’ registration, or military service obligations in Peru;

(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 members of diplomatic missions.

Section 18

Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director of the Bureau 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 Organization.

Article VIII

Officials

Section 19

The Director of the Bureau or the Zone Representative shall from time to time communicate to the Government of Peru the names of those officials to whom the provisions of this article and of Article IX shall apply.

Section 20

(1) Officials of the Organization, irrespective of nationality, 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 in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover, those who are not of Peruvian nationality shall:

(a) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens’ registration;

(b) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Peru;
(c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(d) Be entitled to the customs exemptions granted under Title X, Supreme Decree No. 69 of 18 February 1954, on privileges accorded by the Government of Peru, it being understood that the experts and officials of the Organization shall be entitled to the rights stipulated in Article 73.

Section 21

(1) The officials of the Organization shall be exempt from the military service obligations in force in Peru, with the express provision that such exemption shall not apply in the case of officials of Peruvian nationality.

(2) Should other officials of the Organization be called up for military service, the Government of Peru shall, at the request of the Director of the Bureau or the Zone Representative, grant such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

Section 22

Local Peruvian officials recruited by the Organization to fill posts within the Organization shall be subject exclusively to the Organization’s staff rules.

Section 23

Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director of the Bureau 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 Organization.

Section 24

The Organization shall cooperate at all times with the appropriate authorities of the Government of Peru 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, immunities, and facilities mentioned in this article.

Article IX

Visas, Permits of Residence, and United Nations Laissez-Passer

Section 25

(1) The Government of Peru shall take all measures required to facilitate the entry into, residence in, and departure from the country of all persons having official business with the Organization, i.e.:

(a) Representatives of Members, whatever may be the relations between Peru and the respective countries;

(b) Experts and consultants on missions for the Organization, irrespective of nationality;

(c) Officials of the Organization;  

1 For this Decree, see the previous volume of this Series (ST/LEG/SER.B/10), under Peru.
(d) Other persons, irrespective of nationality, summoned by the Organization.

(2) Any police regulation calculated to restrict the entry of aliens into Peru or to regulate the conditions of their residence shall not apply to the persons provided for in this section.

(3) The Government of Peru shall issue to its embassies, legations, and consulates abroad general instructions in advance to grant visas to any applicant on presentation of a valid identity and travel document and of a document establishing his official relationship to the Organization, without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this section shall apply to the spouse and dependants of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 26
The Government of Peru shall recognize and accept as valid travel documents the United Nations Laissez-passer issued to the officials of the Organization.

Section 27
The Director, the Assistant Director, the Secretary, the Chiefs of Divisions, and the Zone IV Representative of the Organization, while travelling on its official business, shall be granted the same facilities as are accorded to diplomatic envoys.

Article X
SECURITY OF THE GOVERNMENT OF PERU

Section 28
Nothing in the present Agreement shall be construed to preclude the adoption of the security precautions which the Government of Peru may deem it appropriate to take and which shall be determined by mutual agreement between the Government and the Director of the Bureau.

Article XI
SETTLEMENT OF DISPUTES

Section 29
The Organization 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 Organization is a party;
(b) Disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Director of the Bureau in accordance with the provisions of Section 23.

Article XII
FINAL PROVISIONS

Section 30
The present Agreement shall enter into force upon an exchange of notes between the Government of Peru and the Director of the Bureau stating respectively their approval thereof.
Section 31

This Agreement may be revised at the request of either of the parties hereto, after consultation between both parties concerning the modifications to be made in the provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice. Notice of denunciation to the Government of Peru may be given to the representative of that Government in the Organization, and notice to the Organization may be given to the Director of the Bureau.

In witness whereof the undersigned, being duly authorized to that effect, have signed this Agreement in three copies at Lima on the thirteenth day of August, 1957.

For the Pan American Sanitary Organization
(sgd.) Fred L. Soper

For the Government of the Republic of Peru
(sgd.) Manuel Cisneros Sánchez

Note: A similar agreement was concluded with Guatemala on 29 September 1958. Differences occurred in the following provisions:

Section 18. (Corresponding to section 20 of the Agreement concluded with Peru)

(1) Officials of the Organization, irrespective of nationality, shall:

(2) Moreover, those who are not of Guatemalan nationality shall:

   (d) Enjoy the customs exemptions accorded to them by the Government of the Republic in their capacity of representatives or officials of international bodies (personal effects, household equipment, furniture and automobiles on first entry, and, to the Representative of Zone III, diplomatic exemption).

   (e) With reference to automobiles used in the performance of their duties, the officials or representatives of the Organization shall be entitled to replace them every three years.

Section 21. (Corresponding to section 24 of Agreement concluded with Peru)
(The following paragraph was added:)

It shall be understood that in the process of co-operation referred to in the preceding paragraph, the Bureau of the Organization in Guatemala shall facilitate, by all legal means within its power, the execution of measures explicitly ordered and decreed by the courts regarding the obligations which the officials and employees of the Organization residing in Guatemala may have contracted and have an obligation to fulfil.

Section 25. (Corresponding to section 28 of Agreement concluded with Peru)

None of the provisions of the present Agreement shall prevent the adoption of any security measures which the Government of Guatemala may deem proper to take.
MINISTRY OF FOREIGN AFFAIRS

Number: (M).-7-4-E/1

Lima, 4 March 1958

Sir,

I take pleasure in acknowledging receipt of your communication of 2 October of last year, in which you inform this Ministry of your Organization's approval of the Agreement concluded on 13 August 1957 between the Government of Peru and the Pan American Sanitary Bureau.

By means of this letter, I am pleased to inform you that the Government of Peru has also approved the aforesaid Agreement, which it will consider in effect as of this date.

Very truly yours,

(sgd.)

Victor Andrés Belaúnde

Dr. Fred L. Soper, Director
Pan American Sanitary Bureau
Washington, D. C.
U.S.A.

18 March 1958

Dear Mr. Minister,

I acknowledge receipt of your letter No. (M).-7-4-E/1 of 4 March 1958 informing me that the Government of Peru has approved the Agreement concluded with the Pan American Sanitary Organization on 13 August 1957, which it considers in effect beginning 4 March 1958.

The purpose of this letter is to express my conformity with the aforesaid date.

Very truly yours,

(sgd.)

Fred L. Soper

Doctor Victor Andrés Belaúnde
Minister of Foreign Affairs
Ministry of Foreign Affairs
Lima, Peru

42. CONVENTION OF THE WORLD METEOROLOGICAL ORGANIZATION. SIGNED AT WASHINGTON, ON 11 OCTOBER 1947

PART XIV

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

Article 27

(a) The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) (i) The Organization shall enjoy in the territory of each Member to which the present Convention applies such privileges and immunities as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) (ii) Representatives of 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.

(c) Such legal capacity, privileges, and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members which are States.

Afghanistan, Albania, Angola (Portuguese West Africa), Argentina, Australia (including Papua, Norfolk Island, and Trust Territories of New Guinea and Nauru), Austria, Belgian Congo, Belgium (including Ruanda-Urundi), Bolivia, Brazil, British Caribbean Territories (Bahamas, Barbados, British Guiana, British Honduras, Jamaica (including Turks and Caicos Islands), Leeward Islands (Antigua, Montserrat, St. Christopher and Nevis, Virgin Islands), Trinidad and Tobago, Windward Islands (Dominica, Grenada, St. Lucia, St. Vincent), British East African Territories (including the Seychelles, Kenya (Colony and Protectorate), Uganda Protectorate, Trust Territory of Tanganyika, Zanzibar Protectorate), British West African Territories (Nigeria (Colony and Protectorate), Cameroons under United Kingdom trusteeship), Sierra Leone, Gambia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroons under French trusteeship, Canada, Ceylon, Chile, China, Cuba, Czechoslovakia, Denmark (including Greenland), Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France (including Algeria, French Guiana, French West Indies, Réunion, St. Pierre and Miquelon, Valleys of Andorra, Condominium of New Hebrides), French Equatorial Africa, French Oceanic Colonies, French Somaliland, French Togoland, French West Africa, Germany (Fed. Rep. (applicable to Land Berlin)), Ghana, Greece, Guatemala, Guinea, Haiti, Hong Kong, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Libya, Luxembourg, Madagascar, Mauritius, Mexico, Mozambique (Portuguese East Africa), Morocco, Netherlands, Netherlands Antilles (Curaçao), New Caledonia, New Guinea (Netherlands Indies), New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal (including Azores Archipelago, Madeira Islands, Cape Verde Islands, Portuguese Guinea, Islands of S. Tomé and Principe, and Fortress of S. Joao Baptista de Ajudá, Portuguese India, Macao, Portuguese Timor), Rhodesia and Nyasaland (Fed. of), Romania, Saudi Arabia, Singapore and the British Territories in Borneo, Spain (including Spanish West Africa, Valleys of Andorra), Spanish Guinea, Sudan, Surinam, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa (including South-West Africa), Union of Soviet Socialist Republics, United Arab Republic, United Kingdom (including British Somaliland Protectorate, Aden (Colony and Protectorate), Basutoland, Bechuanaland Protectorate, British Solomon Islands Protectorate, Falkland Islands and Dependencies, Fiji, Gibraltar, Gilbert and Ellice Islands, Malta, Swaziland, Condominium of New Hebrides), United States, Uruguay, Venezuela Viet-Nam (Rep. of), Yugoslavia.
43. ACCORD ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION MÉTÉOROLOGIQUE MONDIALE POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE. SIGNÉ À GÉNÉVE, LE 10 MARS 1955

LE CONSEIL FÉDÉRAL SUISSE,
d’une part,
L’ORGANISATION MÉTÉOROLOGIQUE MONDIALE,
d’autre part,

Désireux de conclure un accord en vue de régler en Suisse le statut juridique de l’Organisation météorologique mondiale, sont convenus des dispositions suivantes:

Article premier
LIBERTÉ D’ACTION DE L’OMM

Le Conseil fédéral suisse garantit à l’Organisation météorologique mondiale l’indépendance et la liberté d’action qui lui appartiennent en sa qualité d’institution internationale.

Article 2
PERSONNALITÉ DE L’OMM

Le Conseil fédéral suisse reconnaît la personnalité internationale et la capacité juridique en Suisse de l’Organisation météorologique mondiale.

Article 3
IMMUNITÉS DE L’OMM

L’Organisation météorologique mondiale est au bénéfice de l’ensemble des immunités reconnues à l’Office européen des Nations Unies. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

Article 4
EXTERRITORIALITÉ DES TERRAINS ET LOCAUX

Le Conseil fédéral suisse reconnaît notamment l’exterritorialité des terrains et locaux de l’Organisation météorologique mondiale et de tous locaux occupés par elle à l’occasion de ses assemblées et de toute autre réunion convoquée en Suisse par elle.

Article 5
LIBERTÉ DE REUNION

Le Conseil fédéral suisse reconnaît à l’Organisation météorologique mondiale et à ses membres, dans leurs rapports avec elle, une liberté de réunion absolue comportant la liberté de discussion et de décision.

**Article 6**

**IMMUNITÉ DE JURIDICTION ET IMMUNITÉ À L'ÉGARD D'AUTRES MESURES**

1. L'Organisation météorologique mondiale bénéficie, pour elle-même, ses propriétés et ses biens, quel que soit le lieu où ils se trouvent ou la personne qui les détient, de l'immunité à l'égard de toute forme d'action judiciaire, sauf dans la mesure où cette immunité a été formellement levée par le Secrétaire général de l'Organisation météorologique mondiale ou son représentant régulièrement autorisé.

2. Les propriétés et biens de l'Organisation météorologique mondiale, quel que soit le lieu où ils se trouvent ou la personne qui les détient, sont au bénéfice de l'immunité à l'égard de toute mesure de perquisition, réquisition, confiscation, expropriation et de toute autre forme de saisie ou d'ingérence de toute autorité publique de quelque nature que ce soit.

**Article 7**

**INVIOLABILITÉ DES TERRAINS ET LOCAUX**

Les terrains et locaux de l'Organisation météorologique mondiale sont inviolables. Nul agent de l'autorité publique suisse ne peut y pénétrer sans le consentement exprès de l'Organisation météorologique mondiale.

**Article 8**

**INVIOLABILITÉ DES ARCHIVES**

Les archives de l'Organisation météorologique mondiale et, en général, tous les documents qui lui appartiennent ou se trouvent en sa possession, sont inviolables.

**Article 9**

**PUBLICATIONS**

Les publications de l'Organisation météorologique mondiale ne sont pas soumises aux interdictions ou restrictions d'importation et d'exportation de nature économique ou financière.

**Article 10**

**RÉGIME FISCAL DE L'OMM**

L'Organisation météorologique mondiale est exonérée des impôts directs et indirects, fédéraux, cantonaux et communaux, sur les immeubles dont elle est propriétaire ou locataire et qui sont occupés par ses services, de même que sur ses biens mobiliers, étant entendu qu'elle ne sollicite pas l'exemption de taxes auxquelles correspond une prestation de l'autorité publique.

**Article 11**

**LIBRE DISPOSITION DES Fonds**

1. L'Organisation météorologique mondiale peut recevoir et détenir tous fonds quelconques, toutes devises, numéraires et autres valeurs mobilières,
et en disposer librement tant à l'intérieur de la Suisse que dans ses relations avec l'étranger.

2. Le présent article est applicable aux États membres dans leurs relations avec l'Organisation météorologique mondiale.

**Article 12**

**COMMUNICATIONS OFFICIELLES**

L'Organisation météorologique mondiale bénéficie, dans ses communications officielles, d'un traitement au moins aussi favorable que celui qui est assuré à l'Office européen des Nations Unies.

**Article 13**

**EXEMPTION DE CENSURE**

Aucune censure ne peut être exercée à l'égard des communications officielles dûment authentifiées de l'Organisation météorologique mondiale, quelle que soit la voie de communication employée.

**Article 14**

**LIBERTÉ D'ACCÈS ET DE SÉJOUR**

1. Les autorités suisses prendront toutes mesures utiles pour faciliter l'entrée sur le territoire suisse, la sortie de ce territoire et le séjour à toutes les personnes appelées, en qualité officielle, auprès de l'Organisation météorologique mondiale, soit:

   a) Les représentants des Membres, quels que soient les rapports existant entre la Suisse et ces États;

   b) Les membres du Comité Exécutif de l'Organisation météorologique mondiale, quelle que soit leur nationalité;

   c) Les agents et les fonctionnaires non suisses de l'Organisation météorologique mondiale;

   d) Les personnes, quelle que soit leur nationalité, appelées par l'Organisation météorologique mondiale.

2. Toutes mesures concernant la police des étrangers et visant à restreindre l'entrée en Suisse des étrangers ou à contrôler les conditions de leur séjour seront sans application à l'égard des personnes visées au présent article.

**Article 15**

**IMMUNITÉS DES RÉPRÉSENTANTS DES MEMBRES ET DU COMITÉ EXÉCUTIF**

Les représentants des Membres de l'Organisation météorologique mondiale et les membres de son Comité Exécutif appelés en Suisse par leurs fonctions y jouissent des mêmes privilèges et immunités que ceux qui sont accordés aux représentants des Membres de l'Organisation des Nations Unies. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.
Article 16

IMMUNITÉS DIPLOMATIQUES DU SECRÉTAIRE GÉNÉRAL ET DE CERTAINS fonctionnaires

Le Secrétaire général de l'Organisation météorologique mondiale et les hauts fonctionnaires des catégories désignées par lui et agréées par le Conseil fédéral suisse jouissent des privilèges, immunités, exemptions et facilités reconnus aux agents diplomatiques conformément au droit des gens et aux usages internationaux. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

Article 17

IMMUNITÉS ET FACILITÉS ACCORDEES À TOUS LES fonctionnaires

Tous les fonctionnaires de l'Organisation météorologique mondiale, quelle que soit leur nationalité, sont au bénéfice des immunités et facilités suivantes:

a) Exemption de toute juridiction pour les actes accomplis dans l'exercice de leurs fonctions;

b) Exonération de tous impôts fédéraux, cantonaux et communaux sur les traitements, émoluments et indemnités qui leur sont versés par l'Organisation météorologique mondiale.

Article 18

EXEMPTION ET FACILITÉS ACCORDEES AUX fonctionnaires NON SUISSES

Les fonctionnaires de l'Organisation météorologique mondiale qui n'ont pas la nationalité suisse bénéficient des exemptions et facilité énumérées dans l'arrangement d'exécution du présent accord. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

Article 19

CAISSE DES PENSIONS, ETC.

1. Toute caisse des pensions ou institutions de prévoyance exerçant officiellement son activité en faveur des fonctionnaires de l'Organisation météorologique mondiale aura la capacité juridique en Suisse si elle en exprime le désir et bénéficiera, dans la mesure de son activité en faveur desdits fonctionnaires, des mêmes exemptions, immunités et privilèges que l'Organisation elle-même.

2. Les fonds et fondations, doués ou non d'une personnalité juridique propre, gérés sous les auspices de l'Organisation météorologique mondiale et affectés à ses buts officiels, sont mis au bénéfice des mêmes exemptions, immunités et privilèges que l'Organisation elle-même, en ce qui concerne leurs biens mobiliers.

Article 20

OBJET DES IMMUNITÉS

1. Les immunités prévues par le présent accord ne sont pas établies en vue d'accorder aux fonctionnaires de l'Organisation météorologique mon-
diaire des avantages et des commodités personnels. Elles sont instituées uniquement afin d’assurer, en toute circonstance, le libre fonctionnement de l’Organisation météorologique mondiale et la complète indépendance de ses agents.

**Levée des immunités**

2. Le Secrétaire général de l’Organisation météorologique mondiale a le droit et le devoir de lever l’immunité d’un fonctionnaire lorsqu’il estime que cette immunité empêche le jeu normal de la justice et qu’il est possible d’y renoncer sans porter atteinte aux intérêts de l’Organisation météorologique mondiale.

*Article 21*

**Prévention des abus**

L’Organisation météorologique mondiale coopérera en tout temps avec les autorités suisses en vue de faciliter une bonne administration de la justice, d’assurer l’observation des règlements de police et d’empêcher tout abus des privilèges, immunités et facilités prévus par le présent accord.

*Article 22*

**Différends d’ordre privé**

L’Organisation météorologique mondiale prendra des dispositions appropriées en vue du règlement satisfaisant:

a) De différends résultant de contrats auxquels l’Organisation météorologique mondiale serait partie et d’autres différends portant sur un point de droit privé;

b) De différends dans lesquels serait impliqué un fonctionnaire de l’Organisation météorologique mondiale qui jouit, du fait de sa situation officielle, de l’immunité, si cette immunité n’a pas été levée par le Secrétaire général.

*Article 23*

**Non-responsabilité de la Suisse**

La Suisse n’encourt, du fait de l’activité de l’Organisation météorologique mondiale sur son territoire, aucune responsabilité internationale quelconque pour les actes et omissions de l’Organisation ou pour ceux de ses agents agissant ou s’abstenant dans le cadre de leurs fonctions.

*Article 24*

**Sécurité de la Suisse**

1. Rien dans le présent accord n’affecte le droit du Conseil fédéral suisse de prendre les précautions utiles dans l’intérêt de la sécurité de la Suisse.

2. Au cas où il estimerait nécessaire d’appliquer le premier paragraphe du présent article, le Conseil fédéral suisse se mettra, aussi rapidement que les circonstances le permettront, en rapport avec l’Organisation météorologique mondiale en vue d’arrêter, d’un commun accord, les mesures nécessaires pour protéger les intérêts de l’Organisation.

3. L’Organisation météorologique mondiale collaborera avec les autorités suisses en vue d’éviter tout préjudice à la sécurité de la Suisse du fait de son activité.
Article 25

EXÉCUTION DE L’ACCORD PAR LA SUISSE

Le Département politique fédéral est chargé de l’exécution, par la Confédération suisse, du présent accord et de son arrangement d’exécution.

Article 26

JURIDICTION

1. Toute divergence de vues concernant l’application ou l’interprétation du présent accord ou de son arrangement d’exécution qui n’aurait pas pu être réglée par des pourparlers directs entre les parties pourra être soumise, par l’une ou l’autre partie, à l’appréciation d’un tribunal composé de trois membres qui sera constitué dès l’entrée en vigueur du présent accord.

2. Le Conseil fédéral suisse et l’Organisation météorologique mondiale désigneront chacun un membre du tribunal.

3. Les juges ainsi désignés choisiront leur président.

4. En cas de désaccord entre les juges au sujet de la personne du président, ce dernier sera désigné par le Président de la Cour internationale de justice, à la requête des membres du tribunal.

5. Le tribunal sera saisi par l’une ou l’autre partie par voie de requête.


Article 27

ENTRÉE EN VIGUEUR

L’entrée en vigueur du présent accord a été fixée avec effet rétroactif au 20 décembre 1951.

44. ARRANGEMENT D’EXÉCUTION DE L’ACCORD CONCLU ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L’ORGANISATION MÉTÉOROLOGIQUE MONDIALE POUR RÈGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE. SIGNÉ À GENÈVE, LE 10 MARS 1955

Article premier

LIBRE DISPOSITION DES FONDS

1. L’Organisation météorologique mondiale peut être titulaire de comptes en toutes monnaies.

2. L’Organisation météorologique mondiale peut transférer librement ses fonds, devises, numéraires et autres valeurs mobilières, de Suisse à l’étranger.

3. L’Organisation météorologique mondiale peut convertir en une autre monnaie toutes devises et tous numéraires détenus par elle.

4. Le Conseil fédéral suisse tiendra compte des dispositions des paragraphes précédents du présent article lors de ses négociations avec des gouvernements étrangers au sujet des transferts de fonds et de marchandises.

**Article 2**

**PRÉVOYANCE SOCIALE**

L'Organisation météorologique mondiale est exempte de toutes contributions obligatoires à des institutions générales de prévoyance sociale, telles que les caisses d'assurance chômage, l'assurance accidents, etc., étant entendu que l'Organisation météorologique mondiale assurera, dans la mesure du possible, et dans des conditions à convenir, l'affiliation aux systèmes suisses d'assurance de ceux de ses agents qui ne sont pas assurés d'une protection sociale équivalente par l'Organisation elle-même.

**Article 3**

**CHIFFRE, COURRIER, VALISE**

1. L'Organisation météorologique mondiale est autorisée à faire usage de chiffres dans ses communications.

2. L'Organisation météorologique mondiale jouit du droit de se servir de courriers et de faire usage de valises diplomatiques dans les mêmes conditions que les gouvernements étrangers.

3. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

**Article 4**

**COMMUNICATIONS DE PRESSE**

L'Organisation météorologique mondiale bénéficie, pour ses communications destinées à la presse et à la radiodiffusion, soit directement, soit par intermédiaire, des tarifs préférentiels applicables aux communications de presse, en conformité de la Convention internationale des télécommunications.

**Article 5**

**LIBERTÉ D'ACCÈS ET DE SÉJOUR**

1. En vue de faciliter l'entrée en Suisse des personnes énumérées à l'article 14 de l'accord, les légations et consulats de Suisse recevront, pour tous les cas où un visa d'entrée est nécessaire, l'instruction générale et préalable d'accorder un tel visa sur production du passeport ou d'un autre titre équivalent d'identité et de voyage, ainsi que d'une pièce suffisant à établir la qualité du requérant à l'égard de l'Organisation météorologique mondiale.

2. Les légations et consulats de Suisse auront pour instruction de délivrer le visa sans retard ou délai, et sans exiger la présence personnelle du requérant, ni l'acquittement des taxes.

3. Les dispositions de l'article 14 de l'accord et du présent article s'appliqueront, dans des conditions analogues, à la femme et aux enfants de l'intéressé, s'ils vivent avec lui et n'exercent pas de profession.
Article 6
CARTE D’IDENTITÉ

Le Département politique fédéral remet à l’Organisation météorologique mondiale, à l’intention de chaque fonctionnaire, une carte d’identité munie de la photographie du titulaire. Cette carte, authentifiée par le Département politique fédéral et l’Organisation météorologique mondiale, servira à la légitimation du fonctionnaire à l’égard de toute autorité fédérale, cantonale ou communale.

Article 7
FACILITÉS ACCORDÉES AUX FONCTIONNAIRES NON SUISSES

Les fonctionnaires de l’Organisation météorologique mondiale qui n’ont pas la nationalité suisse bénéficieront des exemptions et facilités suivantes:

a) Exemption des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques accrédités auprès du Conseil fédéral suisse;

b) En cas de crise internationale, facilités de rapatriement pour les fonctionnaires et les membres de leur famille, identiques à celles accordées aux membres de missions diplomatiques accréditées auprès du Conseil fédéral suisse;

c) Exonération des impôts fédéraux, cantonaux et communaux conformément aux usages établis pour le personnel non suisse des institutions internationales à Genève.

Article 8
SERVICE MILITAIRE

1. Le Secrétaire général de l’Organisation météorologique mondiale communiquera au Conseil fédéral suisse la liste des fonctionnaires de nationalité suisse astreints à des obligations de caractère militaire.

2. Le Secrétaire général de l’Organisation météorologique mondiale et le Conseil fédéral suisse établiront, d’un commun accord, une liste restreinte de fonctionnaires de nationalité suisse qui, en raison de leurs fonctions, bénéficieront de dispenses.

3. En cas de mobilisation d’autres fonctionnaires suisses, l’Organisation météorologique mondiale aura la possibilité de solliciter, par l’entremise du Département politique fédéral, un sursis d’appel ou toutes autres mesures appropriées.

Article 9
PASSEPORT DIPLOMATIQUE

Les fonctionnaires de nationalité suisse appartenant aux catégories déterminées d’un commun accord par le Secrétaire général de l’Organisation météorologique mondiale et par le Conseil fédéral suisse et qui se rendent en missions ou résident à l’étranger du fait de leurs fonctions, auront droit à un passeport diplomatique émis par le Département politique fédéral.

Article 10
CAISSES DES PENSIONS, ETC.

1. Toutes prestations en capital dues par la caisse des pensions ou toute autre institution de prévoyance sociale à des agents, fonctionnaires ou em-
ployés de l'Organisation météorologique mondiale, en quelque circonstance que ce soit — échéance des services, interruption des services, suspension — seront, au moment de leur versement, exemptes en Suisse de tous impôts quelconques, sur le capital et le revenu.

2. Il en sera de même à l'égard de toutes les prestations qui pourraient être versées à des agents, fonctionnaires ou employés de l'Organisation météorologique mondiale à titre d'indemnité à la suite de maladie, accident, etc.

Article 11

ENTRÉE EN VIGUEUR

Le présent arrangement entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et le Comité exécutif de l'Organisation météorologique mondiale.

Article 12

MODIFICATION DE L'ARRangement

1. Le présent arrangement peut être revisé à la demande de l'une ou l'autre partie.

2. Dans cette éventualité, les deux parties se concerteront sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent arrangement.

3. Au cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'arrangement pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

Fait et signé au siège de l'Organisation météorologique mondiale à Genève, le 10 mars 1955, en double exemplaire.

Pour le Conseil fédéral suisse: Pour l'Organisation météorologique mondiale:

Le Chef de la Division des organisations internationales du Département politique fédéral,

(Signé) Pierre Micheli

Le Secrétaire général,

(Signé) G. Swoboda

45. PROTOCOLE RELATIF A L'ACCORD CONCLUS ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION MÉTÉOROLOGIQUE MONDIALE CONCERNANT LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE ET L'ARRANGEMENT D'EXÉCUTION DUDIT ACCORD. SIGNÉ À GENÈVE, LE 10 MARS 1955

Considérant qu'il a été convenu entre l'Organisation météorologique mondiale et le Conseil fédéral suisse, parties au présent Protocole, qu'aucun arrangement spécial relatif à l'émission par les autorités fédérales suisses de

timbres-poste spéciaux à l’usage de l’Organisation météorologique mondiale, soit exclusivement, soit en commun avec d’autres organisations, n’interviendrait au moment de la conclusion de l’Accord entre l’Organisation météorologique mondiale et le Conseil fédéral suisse concernant le statut juridique de ladite Organisation et de l’Arrangement d’exécution du susdit Accord;

Considérant que les parties au présent Protocole sont convenues que l’Organisation météorologique mondiale jouirait, d’une manière générale, en Suisse, en ce qui concerne ses communications postales, d’un traitement non moins favorable que celui déjà accordé aux Nations Unies ainsi qu’à d’autres institutions internationales spécialisées établies en Suisse auxquelles un traitement analogue est accordé;

En conséquence, l’Organisation météorologique mondiale et le Conseil fédéral suisse conviennent, par les présentes, de ce qui suit:

Article premier

A la requête de l’Organisation météorologique mondiale ou du Conseil fédéral suisse, les parties au présent Protocole s’engagent à rouvrir des négociations concernant l’émission par les autorités fédérales suisses de timbres-poste spéciaux à utiliser par l’Organisation météorologique mondiale soit exclusivement, soit en commun avec d’autres organisations.

Article 2

Tous accords conclus entre les parties le seront dans les limites permises par les conventions de l’Union postale universelle et les conditions d’émission desdits timbres seront fixées sur la base des arrangements intervenus à cet égard avec d’autres organisations internationales établies en Suisse.

Article 3

Le présent Protocole entre en vigueur dès sa signature par les parties.

Note: See the U.S. Executive Order No. 10676, 21 Fed. Reg. 6625 (1956) (supra, First Part, under United States) which governs the legal status, privileges and immunities of the World Meteorological Organization in the United States.

See also the Diplomatic Privileges (WMO) Order 1959 of New Zealand (supra, First Part, under New Zealand) which governs the legal status, privileges and immunities of this Organization in New Zealand.

According to the letter of 7 March 1960, received from the World Meteorological Organization, the Diplomatic Immunities and Privileges Act, 1956 and the Diplomatic Immunities and Privileges Order, 1957 of the Republic of Sudan govern the legal status, privileges and immunities of this Organization in the Sudan. (For the text of this Act and this Order, see the Legislative Supplement to Sudan Government Gazette, No. 897, 15 August, 1956, p. 66; ibid., No. 905, 15 March, 1957, p. 2; and ibid., No. 906, 15 April, 1957, p. 82.)

In other countries which have ratified the Convention on the Privileges and Immunities of the Specialized Agencies and have notified their decision to apply its provisions to this Organization, its legal status is governed by the text of the Convention and such national legislation as may have been passed to implement it. (Information provided by the World Meteorological Organization.)
46. ÉCHANGE DE LETTRES CONCERNANT LE STATUT JURIDIQUE DE L’UNION INTERNATIONALE DES TÉLÉCOMMUNICATIONS (UIT), DES 6 ET 25 FÉVRIER 1948

DÉPARTEMENT POLITIQUE FÉDÉRAL

Berne, le 6 février 1948

Au Bureau de l’Union internationale des télécommunications,
Effingerstrasse 1,
Berne.

Monsieur le Directeur,

Nous avons l’honneur de vous informer qu’en sa séance du 3 février 1948, le Conseil fédéral a décidé qu’à partir du 1er janvier 1948, l’Arrangement provisoire conclu le 19 avril 1946 entre le Conseil fédéral et le Secrétaire général de l’Organisation des Nations Unies,\(^2\) sera appliqué par analogie à l’Union internationale des télécommunications, à ses organes, aux représentants d’Etats membres, aux experts et aux fonctionnaires de cette Union.

La décision du Conseil fédéral (article 10 du Statut du 31 janvier 1947) accordant pendant la durée de leurs fonctions, aux Directeurs, Vice-Directeurs et Conseillers non suisses, ainsi qu’aux membres de leurs familles, les privilèges et immunités diplomatiques, est maintenue pour le Bureau de l’Union internationale des télécommunications à condition que le nombre des bénéficiaires de cette décision demeure aussi restreint qu’il l’est actuellement.

Veuillez agréer, Monsieur le Directeur, l’assurance de notre haute considération.

DÉPARTEMENT POLITIQUE FÉDÉRAL

ORGANISATIONS INTERNATIONALES,

(Signé) SECRÉTAN

BUREAU DE L’UNION INTERNATIONALE DES TÉLÉCOMMUNICATIONS

Berne, le 25 février 1948

Au Département politique fédéral,
Berne.

Monsieur le Conseiller fédéral,


Le Conseil d’administration a pris connaissance de cette décision avec la plus vive satisfaction et a chargé le Secrétaire général de l’Union d’être, auprès du Gouvernement suisse, l’interprète des sentiments reconnaissants des représentants de l’UIT.

\(^1\) Recueil officiel des lois et ordonnances de la Confédération suisse, 1956, 1196.

\(^2\) Pour le texte de cet Arrangement, voir le volume précédent de cette Série (ST/LEG/SER.B/10), p. 196.
De même j’ai reçu le mandat de transmettre au Conseil fédéral les remerciements chaleureux du Conseil d’administration pour l’excellente hospitalité dont les membres du Conseil ont pu bénéficier pendant leur séjour en Suisse.
Veuillez agréer, Monsieur le Conseiller fédéral, l’assurance de ma très haute considération.

Bureau de l’Union internationale des télécommunications

Le directeur,
(Signé) Fr. v. Ernst

47. CONVENTION 1 ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION. DONE AT GENEVA, ON 6 MARCH 1948 2 3

PART XIII

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 50

The legal capacity, privileges and immunities to be accorded to, or in connection with, the Organization, shall be derived from and governed by the General Convention on the Privileges and Immunities of the Specialized Agencies approved by the General Assembly of the United Nations on the 21st November, 1947, subject to such modifications as may be set forth in the final (or revised) text of the Annex approved by the Organization in accordance with Sections 36 and 38 of the said General Convention.

Article 51

Pending its accession to the said General Convention in respect of the Organization, each Member undertakes to apply the provisions of Appendix II to the present Convention.

2 States which are parties (up to 1 January 1960): Argentina, Australia, Belgium,* Burma, Canada, China,+ Denmark,+ Dominican Republic, Ecuador,+ Finland,+ France, Germany (Fed. Rep.), Ghana, Greece, Haiti, Honduras, Iran, Ireland, Israel, Italy, Japan, Liberia, Mexico,++ Netherlands,§ Norway, Pakistan, Panama, Sweden,++ Switzerland,++ Turkey,++ Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States.||
* Applies only to metropolitan territories.
+ With a declaration.
++ With reservation.
§ Applicable to Netherlands New Guinea, Surinam, and Netherlands Antilles.
|| With reservation and understanding.
3 See the Inter-governmental Maritime Consultative Organization (Immunities and Privileges) Order, No. 1296, 1959 (supra, First Part, under United Kingdom).
APPENDIX II
(Referred to in Article 51)

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

The following provisions on legal capacity, privileges and immunities shall be applied by Members to, or in connection with, the Organization pending their accession to the General Convention on Privileges and Immunities of Specialized Agencies in respect of the Organization.

Section 1

The Organization shall enjoy in the territory of each of its Members such legal capacity as is necessary for the fulfilment of its purposes and the exercise of its functions.

Section 2

(a) 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 the exercise of its functions.

(b) Representatives of Members including alternates and advisers, and officials and employees 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.

Section 3

In applying the provisions of Sections 1 and 2 of this Appendix, the Members shall take into account as far as possible the standard clauses of the General Convention on the Privileges and Immunities of the Specialized Agencies.

48. ÉCHANGE DE LETTRES CONCERNANT LE STATUT JURIDIQUE DE L’UNION POSTALE UNIVERSELLE (UPU), DU 5 FÉVRIER ET 22 AVRIL 1948

I

DÉPARTEMENT POLITIQUE FÉDÉRAL

Berne, le 5 février 1948

Au Bureau international

de l’Union postale universelle,
Schwarztorstrasse 38,
Berne.

Monsieur le Directeur,

Nous avons l’honneur de vous informer qu’en sa séance du 3 février 1948, le Conseil fédéral a décidé qu’à partir du 1er janvier 1948, l’Arrangement provisoire conclu le 19 avril 1946 entre le Conseil fédéral et le Secrétaire général de l’Organisation des Nations Unies 1, sera appliqué par analogie

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1 Recueil officiel, des lois et ordonnances de la Confédération suisse, 1956, 1194.
2 Pour le texte de cet Arrangement, voir le volume précédent de cette Série (ST/LEG/SER.B/10), p. 196.
à l'Union postale universelle, à ses organes, aux représentants d'États membres, aux experts et aux fonctionnaires de cette Union.

La décision du Conseil fédéral (article 10 du Statut du 31 janvier 1947) accordant pendant la durée de leurs fonctions aux Directeurs, Vice-Directeurs et Conseillers non suisses, ainsi qu'aux membres de leurs familles, les privilèges et immunités diplomatiques, est maintenue pour le Bureau international de l'Union postale universelle à condition que le nombre des bénéficiaires de cette décision demeure aussi restreint qu'il l'est actuellement.¹

Veuillez agréer, Monsieur le Directeur, l'assurance de notre haute considération.

Département politique fédéral
Organisations internationales,
(Signé) SECRÉTAN

II

UNION POSTALE UNIVERSELLE

Commission exécutive
et de liaison
Le Secrétaire général

Siège: Berne, Schwarztorstr. 38
le 22 avril 1948

DÉCLARATION

Monsieur le Conseiller de légation,

Au cours de la session qu'elle vient de tenir à Berne, la Commission provisoire exécutive et de liaison de l'Union postale universelle a pris officiellement connaissance de la décision du Conseil fédéral, du 3 février dernier, d'appliquer par analogie, à partir du 1er janvier 1948, à l'Union postale universelle, à ses organes, aux représentants d'États membres, aux experts et aux fonctionnaires de cette Union, l'Arrangement provisoire conclu le 19 avril 1946 entre le Conseil fédéral et le Secrétaire général de l'Organisation des Nations Unies.

La nouvelle de cette décision a suscité un vif intérêt au sein de la Commission. Le Président a déclaré qu'en ce qui concerne le territoire helvétique elle donne entière satisfaction à l'Union postale universelle. En outre, traduisant le sentiment unanime de ses collègues, le représentant de la

¹ Dans une lettre du 4 juin 1960, reçue du Bureau international de l'Union postale universelle, il a été indiqué que le Conseil fédéral suisse avait pris, en date du 7 juillet 1953, une nouvelle décision dont la teneur est la suivante:

« Le Secrétaire général et les Directeurs non suisses de l'Union postale universelle et de l'Union internationale des télécommunications jouiront, pendant la durée de leurs fonctions, des privilèges et immunités reconnus aux envoyés diplomatiques, conformément au droit international.

« Les Secrétaires généraux adjoints, les Vice-Directeurs et les Conseillers non suisses seront mis, en application par analogie de la décision du Conseil fédéral du 30 décembre 1947 concernant l'octroi de facilités à certains fonctionnaires supérieurs de l'Office européen des Nations Unies, au bénéfice des privilèges et immunités accordés aux collaborateurs diplomatiques des chefs de mission accrédités auprès de la Confédération Suisse. »

Grande-Bretagne, sir David Ludbury, a exprimé la gratitude de la Commission au Gouvernement fédéral pour la faveur qu'il a ainsi accordée à cette Union.

D'autre part, la Commission a approuvé la résolution suivante qui lui a été soumise par le soussigné:

a) La Commission prend acte, avec satisfaction, de la décision ci-dessus;
b) Elle prie le Conseil fédéral de bien vouloir la communiquer, par la voie diplomatique, aux Gouvernements des États membres de l'Union postale universelle, comme l'avait été le « Statut des Bureaux internationaux placés sous la surveillance des autorités de la Confédération Suisse », du 31 janvier 1947, Statut qui est ainsi devenu caduc à l'égard de l'Union postale universelle.

Je vous serais en conséquence fort obligé de bien vouloir, si cela n'a pas déjà été fait, donner suite à ce vœu de la Commission.

Veuillez agréer, Monsieur le Conseiller de légation, l'assurance de ma haute considération.

Le Secrétaire général,
(Signé) MURI

Note: Dans la lettre du 4 juin 1960, reçue du Bureau international de l'Union postale universelle, il est dit ce qui suit: « Quant au statut juridique de l'Union hors de Suisse, il est réglé par la « Convention sur les privilèges et immunités des institutions spécialisées » qui a été approuvée le 21 novembre 1947 par l'Assemblée générale des Nations Unies et acceptée sans modification de ses clauses-standard par l'UPU à partir du 11 juillet 1949. À présent, ladite Convention est appliquée à l'UPU par 23 États. Au surplus, des accords particuliers analogues sont conclus relativement à la session d'un organe de l'Union entre celle-ci et le Pays qui n'est pas Partie à la Convention susmentionnée et sur le territoire duquel doit siéger l'organe de l'Union dont il s'agit. »

49. ARTICLES 1 OF AGREEMENT OF THE INTERNATIONAL FINANCE CORPORATION. OPENED FOR SIGNATURE AT WASHINGTON, ON 25 MAY 1955 2


2 In accordance with section 1 of article IX, the Articles of Agreement came into force on 20 July 1956, upon signature on behalf of the following 31 Governments whose subscriptions comprised $78,366,000, and upon deposit on their behalf, on the dates indicated below, of the instruments of acceptance with the International Bank for Reconstruction and Development:

<table>
<thead>
<tr>
<th>1955</th>
<th>1956</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>18 August</td>
</tr>
<tr>
<td>Canada</td>
<td>25 October</td>
</tr>
<tr>
<td>United States of America</td>
<td>5 December</td>
</tr>
<tr>
<td>Ecuador</td>
<td>5 December</td>
</tr>
<tr>
<td>Egypt</td>
<td>16 December</td>
</tr>
<tr>
<td>Australia</td>
<td>23 December</td>
</tr>
<tr>
<td>Mexico</td>
<td>30 December</td>
</tr>
<tr>
<td>Great Britain and Northern Ireland</td>
<td>3 January</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>5 January</td>
</tr>
<tr>
<td>Peru</td>
<td>6 February</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>21 February</td>
</tr>
<tr>
<td>Panama</td>
<td>27 February</td>
</tr>
</tbody>
</table>
Article VI

Status, Immunities and Privileges

Section 1. Purposes of Article

To enable the Corporation to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Corporation in the territories of each member.

Section 2. Status of the Corporation

The Corporation shall possess full juridical personality and, in particular, the capacity:
(i) To contract;
(ii) To acquire and dispose of immovable and movable property;
(iii) To institute legal proceedings.

<table>
<thead>
<tr>
<th>1956</th>
<th>1956</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceylon</td>
<td>27 February</td>
</tr>
<tr>
<td>Haiti</td>
<td>9 March</td>
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<tr>
<td>Guatemala</td>
<td>14 March</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>15 March</td>
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<tr>
<td>Bolivia</td>
<td>2 April</td>
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<tr>
<td>Honduras</td>
<td>16 April</td>
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<tr>
<td>India</td>
<td>18 April</td>
</tr>
<tr>
<td>El Salvador</td>
<td>4 May</td>
</tr>
<tr>
<td>Pakistan</td>
<td>18 May</td>
</tr>
<tr>
<td>Jordan</td>
<td>28 May</td>
</tr>
</tbody>
</table>

The Articles of Agreement came into force subsequently in respect of the following States, as from the date of deposit of the instruments of acceptance with the Bank, as indicated below:

<table>
<thead>
<tr>
<th>1956</th>
<th>1956</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paraguay</td>
<td>27 July</td>
</tr>
<tr>
<td>Israel</td>
<td>26 September</td>
</tr>
<tr>
<td>Austria</td>
<td>28 September</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>4 October</td>
</tr>
<tr>
<td>Burma</td>
<td>3 December</td>
</tr>
<tr>
<td>Thailand</td>
<td>3 December</td>
</tr>
<tr>
<td>Turkey</td>
<td>19 December</td>
</tr>
<tr>
<td>Belgium</td>
<td>27 December</td>
</tr>
<tr>
<td>Iraq</td>
<td>27 December</td>
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<tr>
<td>Italy</td>
<td>27 December</td>
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<tr>
<td>Indonesia</td>
<td>28 December</td>
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<tr>
<td>Iran</td>
<td>28 December</td>
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<tr>
<td>Lebanon</td>
<td>28 December</td>
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<tr>
<td>Venezuela</td>
<td>28 December</td>
</tr>
<tr>
<td>Netherlands</td>
<td>28 December</td>
</tr>
<tr>
<td>Brazil</td>
<td>31 December</td>
</tr>
<tr>
<td>1957</td>
<td>1959</td>
</tr>
<tr>
<td>Union of South Africa</td>
<td>3 April</td>
</tr>
<tr>
<td>Chile</td>
<td>15 April</td>
</tr>
</tbody>
</table>

* On 10 September 1959, the United Arab Republic was substituted for Egypt as a member of the International Finance Corporation.
Section 3. Position of the Corporation with regard to Judicial Process

Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.

Section 4. Immunity of Assets from Seizure

Property and assets of the Corporation, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of Archives

The archives of the Corporation shall be inviolable.

Section 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of Article III, Section 5, and the other provisions of this Agreement, all property and assets of the Corporation shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for Communications

The official communications of the Corporation shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and Privileges of Officers and Employees

All Governors, Directors, Alternates, officers and employees of the Corporation:

(i) Shall be immune from legal process with respect to acts performed by them in their official capacity;

(ii) Not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

(iii) Shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from Taxation

(a) The Corporation, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all
taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held:

(i) Which discriminates against such obligation or security solely because it is issued by the Corporation; or

(ii) If the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held:

(i) Which discriminates against such obligation or security solely because it is guaranteed by the Corporation; or

(ii) If the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

Section 10. Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Corporation of the detailed action which it has taken.

Section 11. Waiver

The Corporation in its discretion may waive any of the privileges and immunities conferred under this Article to such extent and upon such conditions as it may determine.

50. STATUTE 1 OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. DONE AT THE HEADQUARTERS OF THE UNITED NATIONS, ON 26 OCTOBER 1956 2

Article XV

Privileges and Immunities

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

---

2 States which are parties (up to 1 January 1960): Afghanistan, Albania, Argentina (with reservations), Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, China, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany (Fed. Rep.) (Applicable to Berlin (West)), Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Korea (Rep. of), Luxembourg,
B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director-General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connexion with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director-General acting under instructions of the Board of Governors, and the members.


THE INTERNATIONAL ATOMIC ENERGY AGENCY

and

THE REPUBLIC OF AUSTRIA

Desiring to conclude an agreement to establish the seat of the International Atomic Energy Agency in or near the City of Vienna and to regulate questions arising as a result thereof;
Have appointed as their representatives for this purpose:
The International Atomic Energy Agency:
W. Sterling Cole,
Director-General

and

The Federal President of the Republic of Austria:
DDr. h. c. Dipl.-Ing. Leopold Figl,
Federal Minister for Foreign Affairs

who have agreed as follows:

Article I

Definitions

Section 1

In this Agreement,
(a) The expression "the IAEA" means the International Atomic Energy Agency;

Mexico, Monaco, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States, Vatican City, Venezuela (with reservations), Viet-Nam (Rep. of), Yugoslavia.

1 This Agreement entered into force on 1 March 1958, as provided in an exchange of notes on 26 February 1958 pursuant to section 52 (a) of the Agreement; by agreement of the parties it was applied provisionally from 1 January 1958.

2 This Agreement as well as the following Agreements concluded between the International Atomic Energy Agency and the Republic of Austria are to be found in the United Nations, Treaty Series, vol. 339.
(b) The expression “the Government” means the Federal Government of the Republic of Austria;

(c) The expression “Director-General” means the Director-General of the IAEA or any officer designated to act on his behalf;

(d) The expression “appropriate Austrian authorities” means such federal, state, municipal or other authorities in the Republic of Austria as may be appropriate in the context and in accordance with the laws and customs applicable in the Republic of Austria;

(e) The expression “laws of the Republic of Austria” includes:
   (i) The federal constitution and state constitutions; and
   (ii) Legislative acts, regulations and orders issued by or under authority of the Government or appropriate Austrian authorities;

(f) The expression “headquarters seat” means:
   (i) The headquarters area with the building or buildings upon it, as may from time to time be defined in the supplemental agreements referred to in section 3; and
   (ii) Any other land or building which may from time to time be included, temporarily or permanently, therein in accordance with this Agreement or by supplemental agreement with the Government;

(g) The expression “Member State” means a State which is a member of the IAEA;

(h) The expression “Governor” means a Governor appointed to the Board of Governors of the IAEA;

(i) The expression “alternates for and advisers and experts attached to Governors” includes alternates, advisers and experts attached to Governors, but does not include clerical and other auxiliary personnel;

(j) The expression “resident representative to the IAEA” means the principal resident representative to the IAEA designated by a Member State;

(k) The expression “each member of the resident delegation of a Member State to the IAEA” includes members of the delegation of the resident representative to the IAEA, but does not include clerical and other auxiliary personnel;

(l) The expression “representatives of Member States” includes accredited representatives of Member States and members of their delegations, but does not include clerical and other auxiliary personnel;

(m) The expression “meetings convened by the IAEA” means any meetings of the General Conference of the IAEA or of the Board of Governors of the IAEA, or any international conferences or other gatherings convened by the IAEA or under its sponsorship;

(n) The expression “archives of the IAEA” includes records and correspondence, documents, manuscripts, still and moving pictures, films and sound recordings belonging to or held by the IAEA;

(o) The expression “officials of the IAEA” means the Director-General and all members of the staff of the IAEA except those who are locally recruited and assigned to hourly rates; and

(p) The expression “property” as used in Article VIII means all property, including funds and other assets, belonging to the IAEA or held or administered by the IAEA in furtherance of its statutory functions and all income of the IAEA.
Article II

THE HEADQUARTERS SEAT

Section 2

(a) The permanent headquarters of the IAEA shall be in the headquarters seat, and shall not be removed therefrom unless the IAEA should so decide. Any transfer of the headquarters temporarily to another place shall not constitute a removal of the permanent headquarters unless there is an express decision by the IAEA to that effect.

(b) Any building which is used with the concurrence of the Government for meetings convened by the IAEA shall be temporarily included in the headquarters seat.

(c) The appropriate Austrian authorities shall take whatever action may be necessary to ensure that the IAEA shall not be dispossessed of all or any part of the headquarters seat without the express consent of the IAEA.

Section 3

The Government grants to the IAEA, and the IAEA accepts from the Government, the permanent use and occupation of a headquarters seat as may from time to time be defined in supplemental agreements to be concluded between the IAEA and the Government.

Section 4

(a) To enable the IAEA to participate in the United Nations network of short-wave communications, the Government shall, upon request, grant to the IAEA for official purposes appropriate radio and other telecommunication facilities in conformity with technical arrangements to be made with the International Telecommunication Union.

(b) The IAEA may establish and operate such additional radio and other telecommunication facilities as may be specified by supplemental agreement between the IAEA and the appropriate Austrian authorities.

Section 5

The IAEA may establish and operate research and other technical facilities of any type. These facilities shall be subject to appropriate safeguards which, in the case of facilities which might create hazards to health or safety or interfere with property shall be agreed with the appropriate Austrian authorities.

Section 6

The facilities provided for in sections 4 and 5 may, to the extent necessary for efficient operation, be established and operated outside the headquarters area. The appropriate Austrian authorities shall, at the request of the IAEA, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the IAEA of appropriate premises for such purposes and for the inclusion of such premises in the headquarters seat.

Article III

EXTRATERRITORIALITY OF THE HEADQUARTERS SEAT

Section 7

(a) The Government recognizes the extraterritoriality of the headquarters seat, which shall be under the control and authority of the IAEA as provided in this Agreement.
(b) Except as otherwise provided in this Agreement, and subject to any regulation enacted under section 8, the laws of the Republic of Austria shall apply within the headquarters seat.

(c) Except as otherwise provided in this Agreement, the courts or other appropriate organs of the Republic of Austria shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

Section 8

(a) The IAEA shall have the power to make regulations, operative within the headquarters seat, for the purpose of establishing therein any conditions necessary for the full execution of its functions. No laws of the Republic of Austria which are inconsistent with a regulation of the IAEA authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters seat. Any dispute between the IAEA and the Republic of Austria as to whether a regulation of the IAEA is authorized by this section or as to whether a law of the Republic of Austria is inconsistent with any regulation of the IAEA authorized by this section, shall be promptly settled by the procedure set out in section 51. Pending such settlement, the regulation of the IAEA shall apply and the law of the Republic of Austria shall be inapplicable in the headquarters seat to the extent that the IAEA claims it to be inconsistent with the regulation of the IAEA.

(b) The IAEA shall from time to time inform the Government, as may be appropriate, of regulations made by it falling within sub-section (a).

(c) This section shall not prevent the reasonable application of fire protection or sanitary regulations of the appropriate Austrian authorities.

Section 9

(a) The headquarters seat shall be inviolable. No officer or official of the Republic of Austria, or other person exercising any public authority within the Republic of Austria, shall enter the headquarters seat to perform any duties therein except with the consent of, and under conditions approved by, the Director-General. The service of legal process, including the seizure of private property, shall not take place within the headquarters seat except with the express consent of, and under conditions approved by, the Director-General.

(b) Without prejudice to Article XI the IAEA shall prevent the headquarters seat from being used as a refuge by persons who are avoiding arrest under any law of the Republic of Austria, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

Article IV

PROTECTION OF THE HEADQUARTERS SEAT

Section 10

(a) The appropriate Austrian authorities shall exercise due diligence to ensure that the tranquillity of the headquarters seat is not disturbed by any person or group of persons attempting unauthorized entry into or creating disturbances in the immediate vicinity of the headquarters seat, and shall provide on the boundaries of the headquarters seat such police protection as may be required for this purpose.
If so requested by the Director-General, the appropriate Austrian authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters seat.

Section 11

The appropriate Austrian authorities shall take all reasonable steps to ensure that the amenities of the headquarters seat are not prejudiced and that the purposes for which the headquarters seat is required are not obstructed by any use made of the land or buildings in the vicinity of the headquarters seat. The IAEA shall take all reasonable steps to ensure that the amenities of the land in the vicinity of the headquarters seat are not prejudiced by any use made of the land or buildings in the headquarters seat.

Public Services in the Headquarters Seat

Section 12

(a) The appropriate Austrian authorities shall exercise, to the extent requested by the Director-General, their respective powers to ensure that the headquarters seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, electricity, water, sewerage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse, fire protection and snow removal from public streets, and that such public services shall be supplied on equitable terms.

(b) In case of any interruption or threatened interruption of any such services, the appropriate Austrian authorities shall consider the needs of the IAEA as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of the IAEA is not prejudiced.

(c) The Director-General shall, upon request, make suitable arrangements to enable duly authorized representatives of the appropriate public service bodies to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters seat under conditions which shall not unreasonably disturb the carrying out of the functions of the IAEA.

(d) Where gas, electricity, water or heat are supplied by appropriate Austrian authorities, or where the prices thereof are under their control, the IAEA shall be supplied at tariffs which shall not exceed the lowest comparable rates accorded to Austrian governmental administrations.

Communications and Transportation

Section 13

The IAEA shall enjoy, as far as may be compatible with any international conventions, regulations and arrangements to which the Government is a party, for its official communications, treatment not less favourable than that accorded by the Government to any other organization or government, including diplomatic missions of such other government, in the matter of priorities and rates for mails, cables, telegrams, radiograms, telephotos, television, telephone and other communications, and press rates for information to press and radio.
Section 14

The IAEA shall be entitled for its official purposes to use the railroad facilities of the Government at tariffs which shall not exceed the lowest comparable passenger fares and freight rates accorded to Austrian governmental administrations.

Section 15

(a) All official communications directed to the IAEA, or to any of its officials at the headquarters seat, and all outward official communications of the IAEA, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, films and sound recordings.

(b) The IAEA shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

Article VII

JURIDICAL PERSONALITY, FREEDOM OF ASSEMBLY AND FREEDOM OF PUBLICATION

Section 16

The Government recognizes the juridical personality of the IAEA and, in particular, its capacity:

(a) To contract;
(b) To acquire and dispose of movable and immovable property; and
(c) To institute legal proceedings.

Section 17

(a) The Government recognizes the right of the IAEA to convene meetings within the headquarters seat or, with the concurrence of the Government or any appropriate Austrian authorities designated by it, elsewhere in the Republic of Austria.

(b) To ensure full freedom of assembly and discussion, the Government shall take all proper steps to guarantee that no impediment is placed in the way of conducting the proceedings of any meeting convened by the IAEA.

Section 18

(a) The Government recognizes the right of the IAEA freely to publish and broadcast within the Republic of Austria for purposes specified in its Statute.

(b) It is, however, understood that the IAEA shall respect any laws of the Republic of Austria, or any international conventions to which the Republic of Austria is a party, relating to copyrights.

Article VIII

PROPERTY OF THE IAEA AND FREEDOM FROM TAXATION

Section 19

The IAEA and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in
any particular case the IAEA shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 20

The property of the IAEA, wherever located and by whomsoever held, shall enjoy immunity from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 21

The archives of the IAEA shall be inviolable wherever located.

Section 22

(a) The IAEA and its property shall be exempt from all forms of taxation, provided, however, that such tax exemption shall not extend to the owner or lessor of any property rented by the IAEA.

(b) In so far as the Government, for important administrative considerations, may be unable to grant the IAEA exemption from indirect taxes which constitute part of the cost of goods purchased by or services rendered to the IAEA, the Government shall reimburse the IAEA for such taxes by the payment, from time to time, of lump sums to be agreed upon by the IAEA and the Government. It is, however, understood that the IAEA will not claim reimbursement with respect to minor purchases. With respect to such taxes, the IAEA shall at all times enjoy at least the same exemptions and facilities as are granted to Austrian governmental administrations or to chiefs of diplomatic mission accredited to the Republic of Austria, whichever are the more favourable. It is further understood that the IAEA will not claim exemption from taxes which are in fact no more than charges for public utility services.

(c) Notwithstanding sub-section (b), all transactions to which the IAEA is a party and all documents recording such transactions shall be exempt from all taxes, recording fees, and documentary taxes.

(d) Articles imported or exported by IAEA for official purposes shall be exempt from customs duties and other levies, prohibitions and restrictions on imports and exports. Such articles shall include, without limitation by reason of this enumeration, scientific and industrial plant, equipment and materials of any kind.

(e) The IAEA shall be exempt from customs duties and other levies, prohibitions and restrictions on the importation of service automobiles, and spare parts thereof, required for its official purposes.

(f) The Government shall, if requested, grant allotments of gasoline or other fuels and lubricating oils for each such automobile operated by the IAEA in such quantities as are required for its work and at any special rates which may be established for diplomatic missions in the Republic of Austria.

(g) Articles imported in accordance with sub-sections (d) and (e) or obtained from the Government in accordance with sub-section (f) of this section shall not be sold by the IAEA in the Republic of Austria except under conditions agreed upon with the Government.
Article IX

FINANCIAL FACILITIES

Section 23

(a) Without being subject to any financial controls, regulations or moratoria of any kind, the IAEA may freely:

(i) Purchase any currencies through authorized channels and hold and dispose of them;
(ii) Operate accounts in any currency;
(iii) Purchase through authorized channels, hold and dispose of funds, securities and gold;
(iv) Transfer its funds, securities, gold and currencies to or from the Republic of Austria, to or from any other country, or within the Republic of Austria; and
(v) Raise funds through the exercise of its borrowing power or in any other manner which it deems desirable, except that with respect to the raising of funds within the Republic of Austria, the IAEA shall obtain the concurrence of the Government.

(b) The Government shall assist the IAEA to obtain the most favourable conditions as regards exchange rates, banking commissions in exchange transactions and the like.

(c) The IAEA 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 prejudicing the interests of the IAEA.

Article X

SOCIAL SECURITY AND PENSION FUNDS

Section 24

Any pension fund or provident fund established by or conducted under the authority of the IAEA shall enjoy legal capacity in the Republic of Austria if the IAEA so requests, and shall enjoy the same exemptions, immunities and privileges as the IAEA itself.

Section 25

The IAEA shall be exempt from all compulsory contributions to, and officials of the IAEA shall not be required by the Government to participate in, any social security scheme of the Republic of Austria.

Section 26

The Government shall make such provision as may be necessary to enable any official of the IAEA who is not afforded social security coverage by the IAEA to participate, if the IAEA so requests, in any social security scheme of the Republic of Austria. The IAEA shall, in so far as possible, arrange, under conditions to be agreed upon, for the participation in the Austrian social security system of those locally recruited members of its staff to whom it does not grant social security protection at least equivalent to that offered under Austrian law.
Article XI

TRANSIT AND RESIDENCE

Section 27

(a) The Government shall take all necessary measures to facilitate the entry into and sojourn in Austrian territory and shall place no impediment in the way of the departure from Austrian territory of the persons listed below, shall ensure that no impediment is placed in the way of their transit to or from the headquarters seat and shall afford them any necessary protection in transit:

(i) Governors, alternates for and advisers and experts attached to Governors, resident representatives and members of the resident delegations of Member States to the IAEA, their families and other members of their households, as well as clerical and other auxiliary personnel attached to the staffs of Governors or resident representatives and the spouses and dependent children of such personnel;

(ii) Representatives of Member States, their families and other members of their households as well as clerical and other auxiliary personnel attached to delegations of Member States and the spouses and dependent children of such personnel;

(iii) Officials of the IAEA, their families and other members of their households;

(iv) Officials of the United Nations or of any other organization brought into relationship with the IAEA pursuant to Article XVI.A of its Statute, who have official business with the IAEA, and their spouses and dependent children;

(v) Representatives of other organizations with which the IAEA has established consultative relations, who have official business with the IAEA;

(vi) Persons, other than officials of the IAEA, performing missions authorized by the IAEA or serving on committees or other subsidiary bodies of the IAEA, and their spouses;

(vii) Representatives of the press, radio, film, television or other information media, who have been accredited to the IAEA in its discretion after consultation with the Government;

(viii) Representatives of States which are not Members of the IAEA who are sent as observers, in accordance with rules adopted by the IAEA, to meetings convened by the IAEA; and

(ix) Representatives of other organizations or other persons invited by the IAEA to the headquarters seat on official business. The Director-General shall communicate the names of such persons to the Government before their intended entry.

(b) This section shall not apply in the case of general interruptions of transportation, which shall be dealt with as provided in sub-section 12 (b), and shall not impair the effectiveness of generally applicable laws relating to the operation of means of transportation.

(c) Visas which may be required by persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any person referred to in this section in his official capacity with respect to the IAEA as indicated in sub-section (a)
shall constitute a reason for preventing his entry into or his departure from the territory of the Republic of Austria or for requiring him to leave such territory.

(e) No person referred to in sub-section (a) shall be required by the Government to leave the Republic of Austria save in the event of an abuse of the right of residence, in which case the following procedures shall apply:

(i) No proceeding shall be instituted to require any such person to leave the Republic of Austria except with the prior approval of the Federal Minister for Foreign Affairs of the Republic of Austria;

(ii) In the case of a representative of a Member State, such approval shall be given only after consultation with the Government of the Member State concerned;

(iii) In the case of any other person mentioned in sub-section (a), such approval shall be given only after consultation with the Director-General, and if expulsion proceedings are taken against any such person the Director-General shall have the right to appear or to be represented in such proceedings on behalf of the person against whom such proceedings are instituted; and

(iv) Persons who are entitled to diplomatic privileges and immunities under sections 30, 31 or 39 shall not be required to leave the Republic of Austria otherwise than in accordance with the customary procedure applicable to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Section 28

The Director-General and the appropriate Austrian authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the Republic of Austria, and as to the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters seat and who do not enjoy the privileges provided by section 27.

Article XII

PERMANENT MISSIONS TO THE IAEA

Section 29

Permanent missions to the IAEA of Member States shall enjoy the same privileges and immunities as are accorded to diplomatic missions in the Republic of Austria.

Article XIII

GOVERNORS AND RESIDENT REPRESENTATIVES TO THE IAEA

Section 30

Each Governor and each resident representative to the IAEA shall be entitled within the Republic of Austria to the same privileges and immunities as the Government accords to chiefs of diplomatic mission accredited to the Republic of Austria.
Section 31

Alternates for and advisers and experts attached to Governors and members of resident delegations of Member States to the IAEA shall be entitled to the same privileges and immunities as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

Section 32

Clerical and other auxiliary personnel attached to the staff of a Governor or to a resident delegation of a Member State shall be accorded the same privileges and immunities as clerical and other auxiliary personnel of diplomatic missions.

Article XIV

Representatives to the IAEA

Section 33

Representatives of Member States to any meetings convened by the IAEA shall, without prejudice to any other privileges and immunities which they may enjoy while exercising their functions and during their journeys to and from the headquarters seat, enjoy within and with respect to the Republic of Austria the following privileges and immunities:

(a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;

(b) Immunity from legal process of any kind in respect of words spoken or written, and of all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be engaged in the performance of such functions;

(c) Inviolability of all papers, documents and other official material;

(d) The right to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;

(e) Exemption with respect to themselves, their spouses, their dependent relatives and other members of their households from immigration restrictions, alien registration and national service obligations;

(f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria;

(g) The same privileges with respect to currency and exchange restrictions as the Government accords to representatives of foreign Governments on temporary official missions; and

(h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

Section 34

Clerical and other auxiliary personnel attached to a delegation of a Member State shall be accorded the same privileges and immunities as clerical and other auxiliary personnel of diplomatic missions.
Section 35

Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in section 33 may be present in the Republic of Austria for the discharge of their duties shall not be considered as periods of residence. In particular, such persons shall be exempt from taxation on their salaries and emoluments during such periods of duty and shall be exempt from all tourist taxes.

Section 36

The privileges and immunities accorded by this Article and Article XIII are conferred, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the IAEA. Consequently, it is incumbent upon a Member State to waive the immunity of any of its representatives in any case where, in the judgment of the Member State, the immunity would impede the course of justice and where it can be waived without prejudice to the purposes for which it was accorded.

Section 37

(a) The IAEA shall communicate to the Government a list of persons within the scope of this Article and Article XIII and shall revise such list from time to time as may be necessary.

(b) The Government shall furnish persons within the scope of Article XIII and such other persons as may be appropriate with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

Article XV

OFFICIALS OF THE IAEA

Section 38

Officials of the IAEA shall enjoy within and with respect to the Republic of Austria the following privileges and immunities:

(a) Immunity from legal process of any kind in respect of words spoken or written, and of 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 IAEA;

(b) Immunity from seizure of their personal and official baggage;

(c) Immunity from inspection of official baggage and, if the official comes within the scope of section 39, immunity from inspection of personal baggage;

(d) Exemption from taxation in respect of the salaries, emoluments and indemnities paid to them by the IAEA for services past or present or in connexion with their service with the IAEA;

(e) Exemption from any form of taxation on income derived by them from sources outside the Republic of Austria;

(f) Exemption, with respect to themselves, their spouses, their dependent relatives and other members of their households from immigration restrictions and alien registration;
(g) Exemption from national service obligations, provided that, with respect to Austrian citizens, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General and approved by the Government; provided further that should officials, other than those listed, who are Austrian citizens be called up for national service, the Government shall, upon request of the Director-General, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the essential work of the IAEA;

(h) Freedom to maintain within the Republic of Austria or elsewhere foreign securities, foreign currency accounts, and other movable and immovable property; and at the termination of their IAEA employment, the right to take out of the Republic of Austria without prohibition or restriction their funds in the same currency and up to the same amounts as they had brought into the Republic of Austria through authorized channels;

(i) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria; and

(j) The right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports:

(i) Their furniture and effects in one or more separate shipments, and thereafter to import necessary additions to the same;

(ii) One automobile every four years; and

(iii) Subject to a supplemental agreement to be concluded between the IAEA and the Government, limited quantities of certain articles for personal use or consumption and not for gift or sale.

Section 39

In addition to the privileges and immunities specified in section 38:

(a) The Director shall be accorded the privileges and immunities, exemptions and facilities accorded to Ambassadors who are heads of mission;

(b) A Deputy Director-General or a senior official of the IAEA, when acting on behalf of the Director-General during his absence from duty, shall be accorded the same privileges and immunities, exemptions and facilities as are accorded to the Director-General; and

(c) The Deputy Directors-General and other officials having the professional grade of P-5 and above, and such additional categories of officials as may be designated, in agreement with the Government, by the Director-General, in consultation with the Board of Governors, on the grounds of the responsibilities of their positions in the IAEA, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

Section 40

(a) The privileges and immunities accorded by this Article are conferred in the interests of the IAEA and not for the personal benefit of the individuals themselves. The immunities of officials of the IAEA shall be waived by the IAEA in cases where the immunity impedes the course of justice and
where it can be waived without prejudice to the interest of the IAEA. In any case where these privileges and immunities arise, the official involved shall immediately report to the Director-General, who shall decide, in consultation where appropriate with the Board of Governors, whether they shall be waived. In the case of the Director-General, the Board of Governors shall have the right to waive immunities.

(b) The IAEA and its officials shall co-operate at all times with the appropriate Austrian authorities to facilitate the proper execution of the laws of the Republic of Austria and to prevent the occurrence of any abuses in connexion with the privileges and immunities accorded by this Article.

Section 41

(a) The IAEA shall communicate to the Government a list of all officials of the IAEA and shall revise such list from time to time as may be necessary.

(b) The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

Article XVI

EXPERTS, MEMBERS OF IAEA MISSIONS AND COMMITTEES AND REPRESENTATIVES OF ORGANIZATIONS

Section 42

Experts, other than those attached to Governors coming within the scope of Article XIII or other than officials of the IAEA coming within the scope of Article XV, performing missions authorized by, serving on committees or other subsidiary bodies of, or consulting at its request in any way with, the IAEA and representatives of organizations with which the IAEA has established relationship pursuant to Article XVI.A of its Statute, or representatives of organizations invited by the Board of Governors or the General Conference to the headquarters seat on official business, shall enjoy, within and with respect to the Republic of Austria, the following privileges and immunities so far as may be necessary for the effective exercise of their functions and during their journeys in connexion with service on such missions, committees or other subsidiary bodies, and during attendance at the headquarters seat and at such meetings:

(a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;

(b) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for, the IAEA, or may no longer be present at the headquarters seat or attending meetings convened by the IAEA;

(c) Inviolability of all papers, documents and other official material;

(d) The right, for the purpose of all communications with the IAEA, to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;
(e) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;

(f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crises to members having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria;

(g) The same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and

(h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

Section 43

(a) Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in section 42 may be present in the Republic of Austria for the discharge of their duties shall not be considered as periods of residence. In particular, such persons shall be exempt from taxation on their salaries and emoluments received from the IAEA during such periods of duty and shall be exempt from all tourist taxes.

(b) The privileges and immunities accorded by this Article are conferred in the interest of the IAEA and not for the personal benefit of the individuals themselves. The IAEA shall waive the immunity granted under this Article to any such individuals in any case where, in the opinion of the IAEA, the immunity would impede the course of justice and could be waived without prejudice to the interest of the IAEA.

Section 44

(a) The IAEA shall communicate to the Government a list of persons within the scope of this Article and shall revise such list from time to time as may be necessary.

(b) The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

Article XVII

LAISSEZ-PASSER

Section 45

The Government shall recognize and accept as a valid travel document the United Nations laissez-passer issued to officials of the IAEA.

Article XVIII

GENERAL PROVISIONS

Section 46

The Republic of Austria shall not incur by reason of the location of the headquarters seat of the IAEA within its territory any international responsibility for acts or omissions of the IAEA or of its officials acting or abstaining from acting within the scope of their functions, other than the
international responsibility which the Republic of Austria would incur as a Member of the IAEA.

Section 47

(a) If the Government considers it necessary to take, without prejudice to the independent and proper working of the IAEA, precautions for the security of the Republic of Austria affecting the operation of any Article of this Agreement, it shall approach the IAEA as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interest of the IAEA.

(b) The IAEA shall co-operate with the Government to avoid any prejudice to the security of the Republic of Austria resulting from its activities.

Section 48

(a) The Director-General 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, with the approval of the Board of Governors, establish such rules and regulations as may be deemed necessary and expedient, for officials of the IAEA and for such other persons as may be appropriate.

(b) Should the Government consider that an abuse of a privilege or immunity conferred by this Agreement has occurred, the Director-General shall, upon request, consult with the appropriate Austrian authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Director-General and to the Government, the matter shall be determined in accordance with the procedure set out in section 51.

(c) All persons of Austrian citizenship and all stateless persons resident in Austria shall enjoy the privileges and immunities, exemptions and facilities accorded by this Agreement to the extent recognized by international law as accepted by the Government, provided, however, that sections 25 and 26 and sub-sections 38 (d) and 38 (g) shall, in any event, apply to officials of the IAEA who are Austrian citizens or who are stateless persons resident in Austria.

(d) This Agreement shall apply irrespective of whether the Government maintains or does not maintain diplomatic relations with the State concerned.

Article XIX

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

Section 49

(a) The IAEA and the Government may enter into such supplemental agreements as may be necessary.

(b) Upon the entry into force with respect to the Republic of Austria of any convention conferring privileges and immunities on the IAEA, such convention and this Agreement shall, if and to the extent that they deal with the same subject matter, be treated, wherever possible, as complementary; but in case of conflict, the provisions of this Agreement shall prevail.
(c) If and to the extent that the Government shall enter into any agreement with any intergovernmental organization containing terms or conditions more favourable to that organization than similar terms or conditions of this Agreement, the Government shall extend such more favourable terms or conditions to the IAEA by means of a supplemental agreement.

Section 50

The IAEA shall make provision for appropriate methods of settlement of:

(a) Disputes arising out of contracts and disputes of a private law character to which the IAEA is a party; and

(b) Disputes involving an official of the IAEA who, by reason of his official position, enjoys immunity, if such immunity has not been waived by the IAEA.

Section 51

Any dispute between the IAEA and the Government concerning the interpretation or application of this Agreement or of any supplemental agreement, or any question affecting the headquarters seat or the relationship between the IAEA and the Government, 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 chosen by the Director-General, one to be chosen by the Federal Minister for Foreign Affairs of the Republic of Austria, and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within six months following the appointment of the first two arbitrators, such third arbitrator shall be chosen by the President of the International Court of Justice at the request of the IAEA or the Government.

Article XX

OPERATION OF THIS AGREEMENT

Section 52

(a) This Agreement shall enter into force upon an exchange of notes between the Director-General duly authorized thereto and the duly authorized representative of the Federal President of the Republic of Austria.

(b) Consultations with respect to modification of this Agreement shall be entered into at the request of the IAEA or the Government. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose of enabling the IAEA at its headquarters in the Republic of Austria fully and efficiently to discharge its responsibilities and fulfil its purposes.

(d) Whenever this Agreement imposes obligations on the appropriate Austrian authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(e) This Agreement shall cease to be in force:

(i) By mutual consent of the IAEA and the Government; and

(ii) If the permanent headquarters of the IAEA is removed from the territory of the Republic of Austria, except for such provisions as may be applicable in connexion with the orderly termination of the operations of the IAEA at its permanent headquarters in the Republic of Austria and the disposal of its property therein.
Vienna, December 11, 1957

Sir,

I have the honour to inform you that the provisions of section 23 of the Agreement signed this day between the Republic of Austria and the International Atomic Energy Agency regarding the headquarters of the International Atomic Energy Agency should be supplemented as set forth below:

With regard to transfers of Schilling funds by the International Atomic Energy Agency, the provisions of section 23 of the Headquarters Agreement shall be understood as follows:

(a) Schilling funds acquired by the International Atomic Energy Agency through the sale of freely convertible currency (i.e., at present U.S. dollars, Canadian dollars, and free Swiss francs) may be transferred into any currency, whereas the transfer of Schilling funds of other origin into other currencies shall be subject to the limitations generally applicable to transfers into such currencies under the Austrian regulations.

(b) Officials and experts of the International Atomic Energy Agency shall be allowed, over and above the facilities granted by the Headquarters Agreement, to make transfers to other countries up to a maximum amount of one thousand U.S. dollars per year, to the debit of the Schilling accounts held in their names at Austrian credit institutions. If officials or experts of the International Atomic Energy Agency wish to make Schilling transfers exceeding the maximum amount mentioned above, such transfers shall be authorized by the Austrian authorities up to the amount of all salary previously received in Schillings by the person concerned from the International Atomic Energy Agency, provided that the International Atomic Energy Agency agrees that the amount to be transferred shall be deducted from the transferable Schilling balance of the International Atomic Energy Agency referred to in sub-paragraph (a) above.

Mr. W. Sterling Cole,
Director General of the
International Atomic
Energy Agency,
Vienna

If the text of the Supplemental Agreement set forth above is satisfactory to the International Atomic Energy Agency, I should be honoured to receive official confirmation to that effect.

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1 This Agreement entered into force on the same date as the Headquarters Agreement—see supra.
If confirmed by the International Atomic Energy Agency this Supplementary Agreement will become binding on the Republic of Austria and on the Agency from the day on which the Headquarters Agreement enters into force.

Accept, Sir, the assurances of my highest consideration.

(Signed) Leopold Figl

11 December 1957

Sir,

I have the honour to acknowledge receipt of your letter of to-day's date which reads as follows:

(Here follows the text of the immediately preceding letter.)

I have the honour to confirm that the contents of your letter are accepted by the International Atomic Energy Agency.

Accept, Sir, the assurances of my highest consideration.

(Signed) W. Sterling Cole

Director-General

His Excellency,

DDr. h.c. Dipl. Ing. Figl,

Federal Minister for Foreign Affairs,

Vienna.


The Republic of Austria, represented by the Bundeskanzler (Federal Chancellor) and the International Atomic Energy Agency with its Headquarters in Vienna, represented by its Director-General, for the purpose of implementing the provisions of the Headquarters Agreement of 11 December 1957 relating to the temporary headquarters of the Agency, have concluded the following supplemental agreement:

Article I

The Republic of Austria grants to the IAEA and the IAEA accepts from the Republic of Austria the right to move to and use for the purposes of the IAEA for an indefinite time the buildings in Vienna I, 11, 13 Kaerntnerring, official map No. 575, within EZ. 575 KG of the City and in Vienna I, Mahlergasse 12, within EZ. 735 KG of the City, together with the equipment and facilities installed in the buildings which are specified in the attached list A which is a part of this agreement.

1 This Agreement entered into force on 3 June 1958 upon signature.
2 This list is not reproduced in this volume.
Article II

The IAEA shall take possession of the aforesaid buildings subject to certain existing leases specified in the attached list B.¹ The Republic of Austria undertakes to terminate those leases as soon as possible by legal means and to give possession of the premises involved to the IAEA after they have been altered in the same way as provided in Article III.

Article III

The Republic of Austria, at its own expense and in consultation with the IAEA, will alter the buildings to be put in the possession of the latter in accordance with Article I, to meet the reasonable requirements of the IAEA. These alterations will be finished in the course of the month of July 1958. Upon termination of the alterations the IAEA will take possession of the premises by an authorized person and will release the Republic of Austria from its obligations with regard to the delivery of the buildings subject of this agreement.

Article IV

The IAEA is entitled to use the altered buildings in accordance with the requirements of the IAEA and has the obligation to return the said buildings upon termination of this agreement to the Republic of Austria in an orderly condition. However, the IAEA is not bound to re-establish the condition of the buildings as they were prior to the alterations executed in accordance with Article III and Article V.

Article V

After the completion of the initial alterations by the Republic of Austria, further alterations may be made by the IAEA at its own expense with the consent of the Republic of Austria.

Article VI

The Republic of Austria will, at its own expense, transfer in stages, to be completed by 15 August 1958, the telephone switchboard which is presently installed in the Musikakademie for the purposes of the IAEA to the buildings which are the subject of this agreement.

Article VII

The alterations to be performed by the Republic of Austria in accordance with Article III do not include the supply of movable furniture and equipment.

Article VIII

After delivery of possession of the buildings subject of this agreement to the IAEA, the IAEA will take care of their orderly maintenance, including installations and facilities of any kind, especially gas, water and current supplies, heating plant, lift, etc., at its own expense. However, the prevention and the repair of major structural damage are the responsibility of the Republic of Austria.

¹ This list is not reproduced in this volume.
Article IX

All current expenses for personnel, maintenance and operation, as well as service charges, are borne by the IAEA. However, the IAEA will not be responsible for any real estate or property taxes or fees, or for any insurance required by law.

After submission of the accounts, the IAEA will reimburse the Republic of Austria for all expenses incurred since 1 April 1958 for personnel, maintenance and operation, as well as service charges with respect to the buildings subject of this agreement which have been advanced by the Republic of Austria.

Article X

For use of the premises subject of this agreement, the IAEA shall pay to the Republic of Austria a yearly nominal rent of AS 1.- payable for the first time on 1 August 1958 and thereafter every first day of August of the following years.

Article XI

This present agreement is irrevocable on the part of the Republic of Austria. The IAEA may terminate this agreement on six months' written notice.

Article XII

If in time the IAEA needs more office space than it enjoys in the buildings put in its possession in accordance with the present agreement, the Council of Ministers of the Republic of Austria will give sympathetic consideration to a request by the IAEA that the Republic should construct two additional floors of the buildings at its own expense.

Article XIII

If the premises described in this supplemental agreement, including the two floors which may be erected according to Article XII, should not suffice for the needs of the IAEA for its temporary headquarters, the Republic of Austria will endeavour, in consultation with the IAEA, to provide the Agency with other additional office facilities.

Article XIV

All fees payable in connexion with this supplemental agreement are borne by the Republic of Austria.

Article XV

The legal relations between the IAEA and the Republic of Austria in regard to the buildings which are the subject of this agreement in so far as they are not covered by this agreement are exclusively governed by the Agreement between the Republic of Austria and the IAEA regarding the Headquarters of the IAEA, of 11 December 1957, and by public international law.

17 July 1958

Sir,

The Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency provides in Article VIII, Sec. 22 (b):

"In so far as the Government for important administrative considerations, may be unable to grant the IAEA exemption from indirect taxes which constitute part of the cost of goods purchased by or services rendered to the IAEA, the Government shall reimburse the IAEA for such taxes by the payment, from time to time, of lump sums to be agreed upon by the IAEA and the Government. It is, however, understood that the IAEA shall not claim reimbursement with respect to minor purchases."

This Note contains a proposal to implement the above-quoted provisions with regard to turnover taxes by a Supplemental Agreement; the terms are the following:

The International Atomic Energy Agency (hereinafter referred to as the IAEA) and the Federal Government of the Republic of Austria, for the purpose of implementing the provision of Article VIII, Sec. 22(b) of the Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency (hereinafter referred to as the Headquarters Agreement) of 11 December 1957, have agreed as follows:

1. Article VIII, Sec. 22 (b) of the Headquarters Agreement provides for the reimbursement, in lump sums, of indirect taxes, in so far as the general exemption from taxation cannot be granted to the IAEA. This reimbursement of turnover taxes which constitute part of the cost of goods purchased by or services rendered to the IAEA will be effectuated in the following manner:

(a) The IAEA shall transmit every six months a list of the cost of all transactions and services for which a reimbursement of turnover taxes is claimed, to the Federal Ministry of Finance of the Republic of Austria, the first list covering the period from the entry into force of the Headquarters Agreement until 30 June 1958. Such lists will not contain so-called "minor purchases", i.e. expenses where the total sum paid is less than AS. 20,000. With respect to running accounts, the final balance for an accounting period will be considered as the total sum paid.

(b) The reimbursement will amount to 5½ per cent of the total sum paid. For goods of Austrian origin, this sum will be increased by another 2 per cent in compensation for turnover taxes charged in prior phases.

1 This Agreement entered into force on 17 July 1958, but with effect from the date of entry into force of the Headquarters Agreement—see supra.
It is understood that reimbursement for foreign goods which are purchased directly from an Austrian importer will amount to 5\(\frac{1}{2}\) per cent, and that there is no ground for any reimbursement for goods which were imported directly by the IAEA.

2. A reimbursement of turnover taxes for purchases of the Commissary (Sec. 38 (j) (iii) of the Headquarters Agreement) shall be made only in so far as such purchases concern foodstuffs and alimentary products.

3. Upon request, the IAEA will authorize the Austrian authorities concerned with the determination and reimbursement of the amounts involved, to inspect the bills and vouchers which are the basis for the lists forwarded.

4. This Supplemental Agreement enters into force with effect from the date of entry into force of the Headquarters Agreement. Subject to the agreement by the Austrian Government, this Note and a Note confirming its acceptance will constitute the Supplemental Agreement implementing, to this extent, the provisions of the Headquarters Agreement.

Accept, Sir, the assurances of my highest consideration.

(Signed) W. Sterling Cole
Director-General

Vienna, 17 July 1958

Sir,

I have the honour to refer to your letter of even date, which in German has the following text:

(Here follows the text of the immediately preceding letter.)

I have the honour to confirm that this proposal for a Supplemental Agreement has been approved by the Federal Government of the Republic of Austria.

Accept, Sir, the assurances of my highest consideration.¹

(Signed) Leopold Figl

Mr. W. Sterling Cole,
Director-General
of the International Atomic Energy Agency,
Vienna.


17 July 1958

Sir,

The Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International

¹ This letter was written in German.
² This Agreement entered into force on 17 July 1958, but with effect from 15 August 1958 according to Article IX thereof.
Atomic Energy Agency provides in Article XV, Section 38 (j) that officials of the IAEA as defined in Article I, Section 1 (o) have:

(j) The right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports:

(i) Their furniture and effects in one or more separate shipments, and thereafter to import necessary additions to the same;

(ii) One automobile every four years;

(iii) Subject to a Supplemental Agreement to be concluded between the IAEA and the Government, limited quantities of certain articles for personal use or consumption, and not for gift or sale.

This Note contains a proposal for a Supplemental Agreement envisaged under (iii) of the above-quoted provision; the terms are the following:

The International Atomic Energy Agency (hereinafter referred to as the IAEA) and the Federal Government of the Republic of Austria, for the purpose of implementing the provisions of Article XV, Section 38 (j) (iii) of the Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency (hereinafter referred to as the Headquarters Agreement) of 11 December 1957, have agreed as follows:

The Federal Minister for Foreign Affairs of the Republic of Austria,
Vienna I,
Austria

Article I

The importation of limited quantities of articles for personal use and consumption (except automobiles, furniture and personal effects, to which the provisions of Article XV, Section 38 (j) (i) and (ii) apply) will be effectuated by a service within the IAEA called the “Commissary”. Regulations to be issued by the Director-General of the IAEA will ensure that this privilege is used consistently with the provisions of the Headquarters Agreement and especially that the imported commodities shall not be used for gift or sale. Such regulations will be communicated to the Austrian Government for information.

Article II

The following categories of persons shall have access to the Commissary: Officials of the IAEA, Governors and Resident Representatives to the IAEA including their alternates, advisers and experts having diplomatic status.

Article III

The categories of articles which may be imported and sold by the Commissary are listed in the appendix which forms part of this Supplemental Agreement.

Article IV

The persons mentioned in Article II shall be entitled to purchase such quantities of goods as they require for their personal use and that of their dependants. Austrians and stateless persons resident in Austria who are officials of the IAEA shall be entitled to purchase tobacco products and
spirits in limited quantities only (600 cigarettes or the equivalent in tobacco products, and two bottles of spirits per month).

**Article V**

Officials of the IAEA enjoying diplomatic status, Governors and Resident Representatives to the IAEA, notwithstanding other privileges they may have by virtue of that status, are additionally entitled to purchase goods for official entertaining by them.

**Article VI**

If the IAEA establishes a restaurant and cafeteria for personnel and guests, the officer in charge of such facilities shall be entitled to purchase from the Commissary any quantities of articles necessary for the operation of these facilities.

**Article VII**

Informal consultation as may be necessary will be arranged at the administrative level concerning technical details of this Supplemental Agreement.

**Article VIII**

In order to develop experience concerning the privilege of Austrian nationals and stateless persons to use the Commissary, which is hereby granted them by the Austrian Government, this Supplemental Agreement will be in force for a year \(^1\) and shall then be reconsidered and, if necessary, amended by mutual agreement.

**Article IX**

The provisions of this Supplemental Agreement shall enter into force on 15 August 1958.

Subject to the agreement by the Austrian Government, this Note and a Note confirming its acceptance will constitute the Supplemental Agreement relating to Article XV, Section 38 (j) (iii) of the Headquarters Agreement.

Accept, Sir, the assurances of my highest consideration.

(Signed) W. Sterling Cole

Director-General

APPENDIX

List of articles permitted to be stocked by the Commissary of the Agency pursuant to the Agreement between the IAEA and the Federal Government of the Republic of Austria.

- Tobacco products and smoking equipment.
- Alcoholic beverages.
- Non-alcoholic beverages.
- Foodstuffs and alimentary products.
- Household electrical appliances, including transformers for such items, up to an amount of $50 per item.

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\(^1\) The duration of the Agreement was extended until 31 December 1961 by means of an exchange of letters between the Federal Minister for Foreign Affairs of Austria (letter dated 24 July 1959) and the Director-General of the Agency (letter dated 7 August 1959).
Cosmetics and toilet articles (including perfumes and cleansing articles),
medical supplies and pharmaceuticals excluding those requiring a
doctor's control.
Writing and wrapping materials, including printed and greeting cards.
Photographic materials, with the exception of cameras.
Women's and men's underwear and hosiery, infant equipment and ap-
parel for children of pre-school age.
Newspapers, books and magazines.
Phonograph records.

Vienna, 17 July 1958

Sir,

I have the honour to refer to your letter of even date, which in German
has the following text:
(Here follows the text of the immediately preceding letter.)
I have the honour to confirm that this proposal for a Supplemental Agree-
ment has been approved by the Federal Government of the Republic of
Austria.
Accept, Sir, the assurances of my highest consideration.

(Signed) Leopold Figl

Mr. W. Sterling Cole,
Director General
of the International Atomic Energy Agency,
Vienna

(Here follows the text of the Appendix to the immediately preceding letter.)

56. AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC
ENERGY AGENCY (IAEA) AND THE FEDERAL GOVERN-
MENT OF THE REPUBLIC OF AUSTRIA CONCERNING
THE SOCIAL INSURANCE OF OFFICIALS OF THE IAEA.
SIGNED AT VIENNA, ON 29 DECEMBER 1958

Having regard to Section 25 of the Agreement of 11 December 1957
between the IAEA and the Republic of Austria regarding the Headquarters
of the IAEA (hereinafter referred to as the Headquarters Agreement) which
provides that:

"The IAEA shall be exempt from all compulsory contributions to, and
officials of the IAEA shall not be required by the Government to partici-

and in view of Section 26 of the Headquarters Agreement which provides
that:

"The Government shall make such provisions as may be necessary to
enable any official of the IAEA who is not afforded social security coverage
by the IAEA to participate, if the IAEA so requests, in any social security
scheme of the Republic of Austria. The IAEA shall, in so far as possible,
arrange, under conditions to be agreed upon, for the participation in the
Austrian social security system of those locally recruited members of its

1 This Agreement entered into force on 29 December 1958 upon signature,
but with effect from 1 January 1959 according to Article VIII, section 14 thereof.
staff to whom it does not grant social security protection at least equivalent to that offered under Austrian law,”

the IAEA and the Federal Government of the Republic of Austria have agreed as follows:  

Article I

Section 1

For the purpose of this Agreement the term “officials” shall be understood to mean those officials of the IAEA designated in Section 1 (a) of the Headquarters Agreement, who are Austrian citizens or stateless persons resident in Austria, and are considered as locally recruited members of the IAEA staff within the meaning of Section 26 of the Headquarters Agreement.

Section 2

Pursuant to the following provisions of this Agreement officials shall participate in the Austrian general social security scheme or in individual sections thereof and in the Austrian unemployment insurance scheme like other persons who are compulsorily insured.

Section 3

Officials insured in accordance with Section 2 above shall have the same rights and obligations as employees compulsorily insured in the corresponding section of the Austrian general social security scheme or in the Austrian unemployment insurance scheme.

Article II

Section 4

Officials who are “full participants” in the United Nations Joint Staff Pension Fund shall, without prejudice to the provisions of Section 8 of this Agreement, participate in the Austrian health insurance scheme and, during their probationary period, also in the Austrian unemployment insurance scheme.

Section 5

Officials who are “associate participants” in the United Nations Joint Staff Pension Fund shall participate in the Austrian health insurance scheme without prejudice to the provisions of Section 8 of this Agreement, and also in the Austrian pension and unemployment insurance schemes.

Section 6

Officials not referred to in Sections 4 and 5 shall, with the exception of persons engaged for short-term service in accordance with the IAEA Staff Regulations, participate in the Austrian general social security scheme and in the unemployment insurance scheme.

Section 7

Employees of the IAEA who are Austrian citizens and who are engaged for short-term service in accordance with the IAEA Staff Regulations shall be insured in the same way as employees of Austrian nationality working for other employers who enjoy extraterritorial rights.
Article III

Section 8
Instead of participating in the Austrian health insurance scheme, the officials referred to in Sections 4 and 5 of this Agreement may opt to join one of the contractual insurance schemes approved by the IAEA with effect from the day of joining. This right of option must be exercised within one month after taking up employment, after a change of the employment contract or after the entry into force of this Agreement, whichever date is the latest. Where the right of option is exercised, the health insurance shall cease at the end of the calendar day before the day of joining the contractual insurance scheme.

Article IV

Section 9
In order to simplify the payment of social insurance contributions for insured officials, the IAEA shall make arrangements, giving the required notifications, for these contributions to be paid to the competent social insurance institutions or authorities designated by the Federal Ministry for Social Administration.

Section 10
For officials who are not participants in the Austrian health insurance scheme, the basis for contributions which would be applicable under that scheme shall be applied for unemployment insurance.

Article V

Section 11
The Director-General of the IAEA and the Federal Ministry for Social Administration shall take the administrative measures for the implementation of this Agreement, if necessary by mutual consent.

Article VI

Section 12
For the settlement of differences between the IAEA and the Federal Government of the Republic of Austria concerning the interpretation or implementation of this Agreement, Section 51 of the Headquarters Agreement shall be applicable.

Article VII

Section 13
The IAEA declares its willingness to provide the Federal Ministry for Social Administration, upon request, with the required information concerning its officials, provided that such information is required for implementation of the provisions of Section 26 of the Headquarters Agreement.

Article VIII

Section 14
This Agreement shall enter into force on 1 January 1959. It shall cease to be in force:
(a) By mutual consent of the IAEA and the Federal Government of the Republic of Austria;
(b) If the Headquarters Agreement ceases to be in force.
Section 15

The IAEA and the Federal Government of the Republic of Austria agree that, if the permanent headquarters of the IAEA is removed from the territory of the Republic of Austria, they will take joint action for the orderly termination and liquidation of all arrangements made under this Agreement. It is, however, understood that the termination of this Agreement or the removal of the headquarters of the IAEA from the territory of the Republic of Austria shall not impair the rights which officials or former officials of the IAEA have acquired for themselves or for their dependants under this Agreement.

57. AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) AND THE REPUBLIC OF AUSTRIA CONCERNING THE REGULATION OF PENSION INSURANCE FOR OFFICIALS OF THE IAEA. SIGNED AT VIENNA, ON 12 FEBRUARY 1959

Taking into account that certain officials of the IAEA have acquired periods of contributory service under the Austrian pension scheme, and in order that certain officials may be credited with contributory service under the Austrian pension scheme for the period of their employment with the IAEA after such employment is terminated, the IAEA and the Republic of Austria have agreed as follows:

Article I

For the purpose of this Agreement, the term "officials" shall be understood to mean officials of the IAEA who are Austrian nationals or stateless persons resident in Austria and are full participants in the United Nations Joint Staff Pension Fund (hereinafter referred to as the Pension Fund).

Article II

Periods during which officials have been employed with the IAEA shall be considered as "neutral" periods in the pension scheme as laid down in the relevant provisions of the Austrian General Social Security Act.

Article III

In application, by analogy, of the pension insurance provisions under the Austrian General Social Security Act relating to entry into employment not subject to compulsory pension insurance, an official may request, within a period of limitation of six months after his application to join the Pension Fund has become effective, the pension insurance institution concerned to pay the transferable sum of money required by law to the IAEA; any contributions which have been credited for contributory months in respect

1 This Agreement entered into force on 3 July 1959 upon an exchange of notes between the Director-General of the Agency and the Federal Chancellor of Austria, but with retroactive effect from 1 October 1958 as provided in article VI, section 9 thereof.
of voluntary insurance or additional insurance shall also be transferred. The amount not representing contributions for voluntary or additional insurance shall be applied by the IAEA for the benefit and on behalf of the official to credit him with contributions for benefits from the Pension Fund. The unused amount and the amount representing contributions for voluntary and additional insurance shall be remitted to the official.

Section 4

If an official, upon termination of his employment with the IAEA, has no claim on behalf of himself or his survivors to current benefits or to the actuarial equivalent of his retirement benefits from the Pension Fund, the pension insurance provisions under the Austrian General Social Security Act relating to termination of employment not subject to compulsory pension insurance shall apply as appropriate, in accordance with Section 5 of this Agreement, without prejudice to Section 6.

Section 5

The IAEA agrees to inform the Austrian pension insurance institution concerned of the termination of employment of officials in the circumstances referred to in Section 4 of this Agreement within two weeks after such termination. The said pension insurance institution shall notify officials whose employment is terminated, within three months after termination, of their obligation to pay the pension insurance institution within three months after the effective date of notification, the transferable sums under Section 4 and contributions transferred to the IAEA under Section 3. In the event of delay in payment, interest shall be payable on the amount due at the current discount rate of the Austrian National Bank. The IAEA shall not be required to pay any transferable sum.

Section 6

If female officials leaving the employment of the IAEA for reason of their marriage, or officials leaving such employment in order to emigrate, have no claim on behalf of themselves or their survivors to current benefits or to actuarial equivalent of their retirement benefits from the Pension Fund, the pension insurance provisions under the Austrian General Social Security Act relating to termination of employment not subject to compulsory pension insurance shall apply; in such case the officials may pay to the pension insurance institution concerned any transferable sum under Section 4 and contributions paid to the IAEA under Section 3 within a period of limitation of six months after their withdrawal from the Pension Fund. This provision shall only apply in the case of marriage if the official leaves the employment of the IAEA not more than six months before and not more than six months after marriage, and in the case of emigration if the official emigrates not more than six months after leaving such employment. The IAEA shall not be required to pay any transferable sum.

Article IV

Section 7

The Director-General of the IAEA and the Federal Ministry for Social Administration shall take the administrative measures required for the implementation of this Agreement, if necessary, by mutual agreement.
Article V

Section 8
For the settlement of disputes between the IAEA and the Federal Government of the Republic of Austria concerning the interpretation or implementation of this Agreement, Section 51 of the Agreement of 11 December 1957 between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency shall be applicable.

Article VI

Section 9
This Agreement shall enter into force after an exchange of notes between the Director-General of the IAEA and the representative of the Federal President of the Republic of Austria, [10] with retroactive effect from 1 October 1958.

Section 10
The Agreement shall cease to be in force:
(a) By mutual consent of the IAEA and the Federal Government of the Republic of Austria;
(b) If the permanent Headquarters of the IAEA is removed from the territory of the Republic of Austria. In this case, the IAEA and the competent Austrian authorities shall take joint action for the orderly termination and liquidation of all arrangements made under this Agreement.

Section 11
The termination of this Agreement shall not impair the rights which the officials concerned or former officials have acquired thereunder for themselves or for their dependants.

Section 12
The provisions of this Agreement shall apply to officials who are or have been participants in the Pension Fund before the entry into force of this Agreement, subject to the condition that the periods specified in Sections 3, 5 and 6 shall begin to run from the day on which the exchange of notes provided for in Section 9 takes place.

Section 13
Consultations for amendment of this Agreement shall be initiated at the request of the IAEA or the Federal Government of the Republic of Austria. Any such amendment shall be made by mutual consent.

58. AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

Whereas Article XV. C of the Statute of the International Atomic Energy Agency provides that the legal capacity, privileges and immunities referred

1 Registered with the Secretariat of the United Nations, No. 5334.
2 Approved by the Board of Governors on 1 July 1959. In accordance with section 38, the Agreement came into force as between the Agency and the following States on the dates of deposit with the Director-General of this Agency of the respective instruments of acceptance as indicated below:
   Finland ........................................ 29 July 1960
   Federal Republic of Germany .............. 3 August 1960
   (with reservation) (See infra)
to in that Article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director-General acting under the instructions of the Board of Governors, and the Members;

Whereas an Agreement Governing the Relationship between the Agency and the United Nations has been adopted in accordance with Article XVI of the Statute; and

Whereas the General Assembly of the United Nations, contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various agencies brought into relationship with the United Nations, has adopted the Convention on the Privileges and Immunities of the Specialized Agencies, and a number of Members of the United Nations have acceded thereto;

The Board of Governors

1. Has approved, without committing the Governments represented on the Board, the text below, which in general follows the Convention on the Privileges and Immunities of the Specialized Agencies; and

2. Invites the Members of the Agency to consider and, if they see fit, to accept this Agreement.

Article I

DEFINITIONS

Section 1

In this Agreement:

(i) The expression “the Agency” means the International Atomic Energy Agency;

(ii) For the purposes of Article III, the words “property and assets” shall also include property and funds in the custody of the Agency or administered by the Agency in furtherance of its statutory functions;

(iii) For the purposes of Articles V and VIII, the expression “representatives of Members” shall be deemed to include all Governors, representatives, alternates, advisers, technical experts and secretaries of delegations;

(iv) In sections 12, 13, 14 and 27, the expression “meetings convened by the Agency” means meetings:

(1) Of its General Conference and of its Board of Governors;

(2) Of any international conference, symposium, seminar or panel convened by it; and

(3) Of any committee of any of these bodies;

(v) For the purposes of Articles VI and IX, the expression “officials of the Agency” means the Director-General and all members of the staff of the Agency except those who are locally recruited and assigned to hourly rates.

Article II

JURIDICAL PERSONALITY

Section 2

The Agency shall possess juridical personality. It shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property and (c) to institute legal proceedings.
Article III

PROPERTY, FUNDS AND ASSETS

Section 3

The Agency, 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 4

The premises of the Agency shall be inviolable. The property and assets of the Agency, 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 5

The archives of the Agency, and in general all documents belonging to it or held by it, shall be inviolable, wherever located.

Section 6

Without being restricted by financial controls, regulations or moratoria of any kind:

(a) The Agency may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The Agency may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

Section 7

The Agency shall, in exercising its rights under section 6, pay due regard to any representations made by the Government of any State party to this Agreement in so far as it is considered that effect can be given to such representations without detriment to the interests of the Agency.

Section 8

The Agency, its assets, income and other property shall be:

(a) Exempt from all direct taxes; it is understood, however, that the Agency 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 Agency 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 to with the Government of that country;

(c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 9

While the Agency 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 Agency is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Agreement will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

**Article IV**

**Facilities in Respect of Communications**

**Section 10**

The Agency shall enjoy, in the territory of each State party to this Agreement and as far as may be compatible with any international conventions, regulations and arrangements to which that State is a party, for its official communications, treatment not less favourable than that accorded by the Government of such a State to any other Government, including the latter’s diplomatic mission, in the matter of priorities, rates and taxes for posts and telecommunications, and press rates for information to the press and radio.

**Section 11**

No censorship shall be applied to the official correspondence and other official communications of the Agency.

The Agency shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Agreement and the Agency.

**Article V**

**Representatives of Members**

**Section 12**

Representatives of Members at meetings convened by the Agency shall, while exercising their functions and during their journeys 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 official capacity, 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, aliens’ registration or national service obligations in the State which 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 members of comparable rank of diplomatic missions.

Section 13

In order to secure for the representatives of Members of the Agency at meetings convened by the Agency complete freedom of speech and complete independence 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 engaged in the discharge of such duties.

Section 14

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members of the Agency at meetings convened by the Agency are present in a Member State for the discharge of their duties shall not be considered as periods of residence.

Section 15

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 connexion with the Agency. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 16

The provisions of sections 12, 13 and 14 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

Article VI

Officials

Section 17

The Agency shall from time to time make known to the Governments of all States parties to this Agreement the names of the officials to whom the provisions of this Article and of Article IX apply.

Section 18

(a) Officials of the Agency shall:

(i) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

(ii) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the Agency and on the same conditions as are enjoyed by officials of the United Nations;

(iii) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(iv) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
(v) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(vi) 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.

(b) Officials of the Agency shall, while exercising the functions of an inspector under Article XII of the Statute of the Agency or those of a project examiner under Article XI thereof, and while travelling in their official capacity en route to and from the performance of these functions, enjoy all the additional privileges and immunities set forth in Article VII of this Agreement so far as is necessary for the effective exercise of such functions.

Section 19

The officials of the Agency shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the Agency whose names have, by reason of their duties, been placed upon a list compiled by the Director-General of the Agency and approved by the State concerned.

Should other officials of the Agency be called up for national service, the State concerned shall, at the request of the Agency, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 20

In addition to the privileges and immunities specified in sections 18 and 19 above, the Director General of the Agency, including any official acting on his behalf during his absence from duty, shall be accorded on behalf of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys on behalf of themselves, their spouses and minor children, in accordance with international law. The same privileges and immunities, exemptions and facilities shall also be accorded to a Deputy Director-General or official of equivalent rank of the Agency.

Section 21

Privileges and immunities are granted to officials in the interest of the Agency only and not for the personal benefit of the individuals themselves. The Agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Agency.

Section 22

The Agency shall co-operate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this Article.

Article VII

Experts on Missions for the Agency

Section 23

Experts (other than officials coming within the scope of Article VI) serving on committees of the Agency or performing missions for the Agency,
including missions as inspectors under Article XII of the Statute of the Agency and as project examiners under Article XI thereof, shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage;

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Agency;

(c) Inviolability for all papers and documents;

(d) For the purposes of their communications with the Agency, 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 and 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 members of comparable rank of diplomatic missions.

Section 24

Nothing in sub-paragraphs (c) and (d) of section 23 shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Agreement and the Agency.

Section 25

Privileges and immunities are granted to the experts of the Agency in the interests of the Agency and not for the personal benefit of the individuals themselves. The Agency shall have the right and the duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Agency.

Article VIII

Abuses of Privilege

Section 26

If any State party to this Agreement considers that there has been an abuse of a privilege or immunity conferred by this Agreement, consultations shall be held between that State and the Agency to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the Agency, the question whether an abuse of a privilege or immunity has occurred shall be settled by a procedure in accordance with section 34. If it is found that such an abuse has occurred, the State party to this Agreement affected by such abuse has the right, after notification to the Agency, to withhold from the Agency the benefits of the privilege or immunity so abused. However, the withholding of privileges or immunities must not
interfere with the Agency’s principal activities or prevent the Agency from performing its principal functions.

Section 27

Representatives of Members at meetings convened by the Agency, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 1 (v), shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country, provided that:

(a) Representatives of Members, or persons who are entitled to the immunities provided in section 20, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country;

(b) In the case of an official to whom section 20 is not applicable, no order to leave the country shall be issued by the territorial authorities other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the Director-General of the Agency; and, if expulsion proceedings are taken against an official, the Director-General of the Agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

Article IX

Laissez-Passer

Section 28

Officials of the Agency shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements concluded between the Director-General of the Agency and the Secretary-General of the United Nations. The Director-General of the Agency shall notify each State party to this Agreement of the administrative arrangements so concluded.

Section 29

States parties to this Agreement shall recognize and accept the United Nations laissez-passer issued to officials of the Agency as valid travel documents.

Section 30

Applications for visas, where required, from officials of the Agency holding United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the Agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 31

Similar facilities to those specified in section 30 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 Agency.
Section 32

The Director-General, the Deputy Directors-General and other officials of a rank not lower than head of division of the Agency, travelling on United Nations *laissez-passer* on the business of the Agency, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

*Article X*

**Settlement of Disputes**

Section 33

The Agency shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of a private character to which the Agency is a party;

(b) Disputes involving any official or expert of the Agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with sections 21 or 25.

Section 34

Unless in any case it is agreed by the parties to have recourse to another mode of settlement, all differences arising out of the interpretation or application of the present Agreement shall be referred to the International Court of Justice, in accordance with the Statute of the Court. If a difference arises between the Agency and a Member and they do not agree on any other mode of settlement, a request shall be made for an advisory opinion on any legal question involved, in accordance with Article 96 of the Charter of the United Nations and Article 65 of the Statute of the Court and the relevant provisions of the agreement concluded between the United Nations and the Agency. The opinion given by the Court shall be accepted as decisive by the parties.

*Article XI*

**Interpretation**

Section 35

The provisions of this Agreement shall be interpreted in the light of the functions with which the Agency is entrusted by its Statute.

Section 36

The provisions of this Agreement shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded to the Agency by any State by reason of the location in the territory of that State of the Agency's Headquarters or regional offices or of officials, experts, materials, equipment or facilities in connexion with Agency projects or activities, including the application of safeguards to an Agency project or other arrangement. This Agreement shall not be deemed to prevent the conclusion between the Agency and any State party thereto of supplemental agreements adjusting the provisions of this Agreement or extending or curtailing the privileges and immunities thereby granted.
Section 37

This Agreement shall not itself operate so as to abrogate, or derogate from, any provisions of the Statute of the Agency or any rights or obligations which the Agency may otherwise have, acquire or assume.

Article XII

Final Provisions

Section 38

This Agreement shall be communicated to every Member of the Agency for acceptance. Acceptance shall be effected by the deposit with the Director-General of an instrument of acceptance, and the Agreement shall come into force as regards each Member on the date of deposit of the Member's instrument of acceptance. It is understood that, when an instrument of acceptance is deposited on behalf of any state, that State will be in a position under its own law to give effect to the terms of this Agreement. The Director-General shall transmit a certified copy of this Agreement to the Government of every State now or hereafter becoming a Member of the Agency, and shall inform all Members of the deposit of each instrument of acceptance and of the filing of any notification of denunciation provided for in section 39.

It shall be permissible for a Member to make reservations to this Agreement. Reservations may be made only at the time of the deposit of the Member’s instrument of acceptance, and shall immediately be communicated by the Director-General to all Members of the Agency.

Section 39

This Agreement shall continue in force as between the Agency and every Member which has deposited an instrument of acceptance for so long as that Member remains a Member of the Agency, or until a revised agreement has been approved by the Board of Governors and that Member has become a party to this revised agreement, provided that if a Member files a notification of denunciation with the Director-General, this Agreement shall cease to be in force with respect to such Member one year after the receipt of such notification by the Director-General.

Section 40

At the request of one-third of the States parties to this Agreement, the Board of Governors of the Agency shall consider whether to approve amendments thereto. Amendments approved by the Board shall enter into force upon their acceptance in accordance with the procedure provided in section 38.

Note: Reservation by the Federal Republic of Germany with respect to article VI, section 18 (a) (ii) of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency:

"The Government of the Federal Republic of Germany, while accepting the agreement of the Agency's privileges and immunities by depositing the necessary document, emphasizes the fact that it reserves, with reference to art. VI, Section 18 a (ii) of said agreement, the right to tax citizens of the Federal Republic of Germany inasmuch as this right has not been renounced by double taxation treaties."
B. Treaties concerning Other Intergovernmental International Organizations

B. Traité concernant d'autres organisations internationales intergouvernementales

1. STATUT ORGANIQUE DE L'INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVÉ DU 15 MARS 1940,² MODIFIÉ LE 18 JANVIER 1952 ³

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Article 2. — L'Institut international pour l’unification du droit privé est une institution internationale qui relève des Gouvernements participants.

Sont Gouvernements participants ceux qui auront adhéré au présent Statut conformément à l'article 20.

L'Institut jouit, sur le territoire de chacun des Gouvernements participants, de la capacité juridique nécessaire pour exercer son activité et pour atteindre ses buts.

Les privilèges et immunités dont jouiront l'Institut, ses agents et ses fonctionnaires seront définis dans des accords à intervenir avec les Gouvernements participants ⁴.

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¹ «La Commission centrale pour la navigation du Rhin a toujours, c'est-à-dire depuis presque 150 ans, été mise au bénéfice des privilèges et immunités diplomatiques, sans que le besoin se soit jamais fait sentir d'en codifier les conditions dans un document officiel. C'est par accord avec les autorités du siège que les immunités fiscales, douanières et juridictionnelles pour la Commission centrale et les fonctionnaires internationaux du Secrétariat ont été consacrées par la pratique.» (Renseignements fournis en mars 1960 par le Secrétaire général de la Commission centrale pour la navigation du Rhin.)

² There are no formal agreements between the South-East Asia Treaty Organization and the host government. However, the Government of Thailand, which is the host Government, has in the past accorded to the South-East Asia Treaty Organization the same rights and privileges as those granted to other international organizations. The Government of Thailand intends shortly to issue a formal undertaking which will give to the Organization privileges and immunities to its properties and officers on the same basis as those given to other international organizations having their headquarters in Bangkok.” (Information provided in March 1960 by the Secretary-General of the South-East Asia Treaty Organization.)

³ Entré en vigueur le 21 avril 1940.

⁴ Le texte de l'article 2 de ce Statut a été fourni par l'Institut international pour l'unification du droit privé.

⁵ "Up till now, no such agreements have been concluded, although negotiations with the Italian Government have been under way for a certain time . . . However, this Government has granted to the Institute and its staff certain privileges and immunities, such as extraterritoriality of the premises of the Institute, and exemption from taxation, on the premises and on the salaries paid to employees, pending conclusion of an agreement as provided by the Statute.” (Information provided by the International Institute for The Unification of Private Law.)
2. PROTOCOLE A LA CONVENTION DOUANIÈRE BELGO-
LUXEMBOURGEOISE-NÉERLANDAISE. SIGNÉ A LA HAYE,
LE 14 MARS 1947 1

VI. Il est institué à Bruxelles un Secrétariat général des Conseils de la
Convention, dont le statut est établi par l’annexe III, ci-jointe.

ANNEXE III

STATUT DU SECRÉTAIRE GÉNÉRAL DES CONSEILS DE LA
CONVENTION DOUANIÈRE BELGO-LUXEMBOURGEOISE-
NÉERLANDAISE 3

1. Il est institué à Bruxelles, un Secrétariat général des Conseils de la
Convention douanière néerlando-belgo-luxembourgeoise.

2. Le Secrétariat général relève, en ce qui concerne l’exécution de ses
attributions, des Présidents des Conseils.

3. Le Secrétariat général assure le secrétariat des trois Conseils établis
par la Convention. Il est chargé de coordonner, dans le domaine administra-
tif, l’activité de ces Conseils, d’établir, le cas échéant, les liaisons nécessaires
entre les administrations intéressées et, d’une manière générale, de faire
toutes propositions ou suggestions utiles au bon fonctionnement de la
Convention. De plus, il exécute les directives qui lui sont données par les
Présidents des Conseils.

4. La direction du Secrétariat général est confiée à un Secrétaire général
de nationalité néerlandaise, qui est aidé dans l’exécution de ses fonctions
par un Secrétaire général adjoint de nationalité belge et un Secrétaire de
nationalité luxembourgeoise.

Le Secrétaire général, le Secrétaire général adjoint et le Secrétaire sont
nommés et révoqués, sur proposition des Présidents des Conseils, par les
trois Gouvernements intéressés.

5. Les Pays-Bas et l’Union économique belgo-luxembourgeoise contribu-
ent chacun pour la moitié aux frais du Secrétariat général.

6. Le Secrétariat général élaboré le projet de budget annuel et le soumet
à l’approbation des Présidents des Conseils, qui en contrôlent l’exécution et
arrêtent les comptes. Sur la proposition des Présidents des Conseils, le
Ministre des finances de Belgique accorde les avances nécessaires au bon
fonctionnement du Secrétariat général.

7. Le Secrétaire général nomme et révoque les membres du personnel du
Secrétariat général. Ces nominations s’effectuent conformément à un cadre
et à des barèmes déterminés par les Présidents des Conseils. Les membres
du personnel doivent être de nationalité néerlandaise, belge ou luxembour-
geoise.

2 Entré en vigueur le 1er janvier 1948.
8. Les archives du Secrétariat général sont inviolables.

9. Le Secrétaire général jouit en Belgique des privilèges et immunités analogues à ceux accordés à un chef de mission diplomatique régulièrement accrédité dans ce pays.

Note: Le Traité instituant l'Union économique du Benelux, signé à La Haye, le 3 février 1958, abroge ces dispositions et traite, en son chapitre 5, du siège, du statut juridique, ainsi que des privilèges et immunités du Secrétariat général. Ce traité n'est pas encore entré en vigueur.

3. SUPPLEMENTARY PROTOCOL No. 1 TO THE CONVENTION FOR EUROPEAN ECONOMIC CO-OPERATION ON THE LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES OF THE ORGANISATION, 16 APRIL 1948

The Government and Authorities signatories to the Convention for European Economic Co-operation:

CONSIDERING that according to the provisions of Article 22 of the Convention, the Organisation for European Economic Co-operation 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 that the Organisation, its officials, and representatives of the Members of the Organisation shall be entitled to the privileges and immunities set out in a Supplementary Protocol,

HAVE AGreed on the following provisions:

PART I

PERSONALITY, CAPACITY

Article 1. The Organisation shall possess juridical personality. It shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

PART II

PROPERTY, FUNDS AND ASSETS

Article 2. The Organisation, 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 immunities shall extend to any measure of execution.

1 European Yearbook, vol. 1, p. 245.
2 The Convention for European Economic Co-operation and the Supplementary Protocols to that Convention came into force on 28 July 1948. The following States have ratified the Convention: United Kingdom (10 June 1948), United Kingdom and United States Zones of Occupation of Germany (13 June 1948), Ireland (16 June 1948), France (28 July 1948), Austria (28 July 1948), Iceland (28 July 1948), Sweden (28 July 1948), French Zone of Occupation of Germany (29 July 1948), Denmark (29 July 1948), Italy (24 August 1948), Norway (24 August 1948), Netherlands (25 August 1948), Belgium (4 September 1948), Turkey (27 October 1948), Switzerland (26 November 1948), Portugal (4 April 1949), Luxembourg (14 April 1949), Greece (20 October 1949).
Article 3. The premises of the Organisation shall be inviolable. The property and assets of the Organisation, wherever located and by whomever held, shall be immune from search, requisition, confiscation, expropriation and any other from of interference, whether by executive, administrative, judicial or legislative action.

Article 4. The archives of the Organisation, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Article 5. Without being restricted by financial controls, regulations or moratoria of any kind:
(a) The Organisation may hold currency of any kind and operate accounts in any currency;
(b) The Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency.

Article 6. The Organisation, its assets, income and other property shall be:
(a) Exempt from all direct taxes; it is understood, however, that the Organisation will not claim exemption from rates and 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 Organisation 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.

Article 7. While the Organisation will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which forms part of the price to be paid, nevertheless when the Organisation 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.

Part III
Facilities in Respect of Communications

Article 8. The Organisation 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 Government 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 Organisation.
PART IV

THE REPRESENTATIVES OF MEMBERS

Article 9. Representatives of Members to the principal and subsidiary organs of the Organisation shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the privileges, immunities and facilities normally enjoyed by diplomatic envoys of comparable rank.

Article 10. Privileges, immunities and facilities are accorded to the representatives of Members not for the personal benefit of the individuals concerned, but in order to safeguard the independent exercise of their functions in connexion with the Organisation. Consequently, a Member has not only the right but the 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 11. The provisions of Article 9 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.

Article 12. In this Part IV the expression "representatives" shall be deemed to include all delegates, alternates, advisers, technical experts and secretaries of delegations.

PART V

OFFICIALS

Article 13. The Secretary-General will specify the categories of officials to which the provisions of this Part V shall apply. He shall submit a list of these categories to the Council. Thereafter this list shall be communicated to all Members. The names of the officials included in these categories shall from time to time be made known to Members.

Article 14. Officials of the Organisation shall:

(a) Be immune from legal process in respect of things done by them in their official capacity; they shall continue to be so immune after completion of their functions as officials of the Organisation;

(b) Enjoy the same exemption from taxation in respect of the salaries and emoluments paid to them as is enjoyed by officials of the principal international organisations and on the same conditions;

(c) Be immune, together with their spouses and dependent relatives, from immigration restrictions and alien registration;

(d) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming a part of diplomatic missions;

(e) Be given, together with their spouses and dependent relatives, the same repatriation facilities in time of international crisis as members of diplomatic missions;

(f) 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.
Article 15. In addition to the privileges, immunities, exemptions and facilities specified in Article 14, the Secretary-General shall be accorded in respect of himself, his spouse and children under the age of 21, the privileges, immunities, exemptions and facilities accorded to heads of diplomatic missions in conformity with international law.

The Deputy Secretaries-General shall enjoy the privileges, immunities, exemptions and facilities accorded to diplomatic representatives of comparable rank.

Article 16. Privileges, immunities and facilities are granted to officials in the interests of the Organisation and not for the personal benefit of the individuals concerned. 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 Organisation. In the case of the Secretary-General and the Deputy Secretaries-General the Council shall have the right to waive immunity.

Article 17. The Organisation 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 connexion with the privileges, immunities, exemptions and facilities mentioned in this Part V.

PART VI

EXPERTS ON MISSIONS FOR THE ORGANISATION

Article 18. Experts (other than officials coming within the scope of Part V) performing missions for the Organisation shall be accorded such privileges, immunities and facilities 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 baggage;
(b) In respect of things done by them in the course of the performance of their mission, immunity from legal process of every kind;
(c) Inviolability for all papers and documents.

Article 19. Privileges, immunities and facilities are granted to experts in the interests of the Organisation and not for the personal benefit of the individuals concerned. 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 Organisation.

PART VII

SUPPLEMENTARY AGREEMENTS

Article 20. The Organisation may conclude with any Member or Members supplementary agreements adjusting the provisions of the present Protocol so far as that Member or those Members are concerned.

In faith whereof the undersigned Plenipotentiaries, being duly authorised to that effect, have signed the present Protocol.
Article 1

1. Les agents titulaires de l'Organisation européenne de coopération économique sont soumis aux législations françaises de sécurité sociale, à l'exception de la législation française des prestations familiales et de celles de l'assurance vieillesse, cette dernière exception ayant pris effet au 1er juillet 1957.

2. En ce qui concerne les prestations familiales et le risque vieillesse, ils bénéficient du régime propre à l'organisation.

Article 2

Les agents visés à l'article 1er ci-dessus, en fonctions à la date du 1er juillet 1957, pourront, dans le délai de six mois à compter de la date de la signature du présent accord, demander leur admission, avec effet au 1er juillet 1957, au régime français de l'assurance volontaire pour le risque vieillesse.

Article 3

1. Les cotisations versées au régime français de l'assurance vieillesse pour le compte des agents titulaires de l'Organisation européenne de coopération économique, au titre de leur période d'activité au sein de ladite organisation antérieurement à la mise en vigueur du régime de prévoyance de l'organisation, seront annulées si les intéressés en font la demande.

2. Les Agents titulaires de l'Organisation européenne de coopération économique qui ne demandent pas à bénéficier des dispositions du paragraphe 1 du présent article, pourront, lorsque sera institué un régime de pensions en faveur des agents de l'organisation, demander l'annulation des cotisations versées pour leur compte au régime français d'assurance vieillesse au titre des périodes d'activité au sein de ladite organisation antérieurement à la mise en vigueur du régime de pensions.

3. Les cotisations annulées conformément aux dispositions des paragraphes 1 et 2 du présent article sont remboursées aux intéressés par les caisses françaises compétentes.

Ce remboursement est effectué entre les mains de l'Organisation européenne de coopération économique, pour le compte des intéressés, dans les conditions arrêtées directement entre le secrétaire général de ladite organisation et le ministre du travail du Gouvernement français.

1 Journal officiel de la République française, 25 octobre 1959, p. 10181.
Article 4

1. — Dans le cas où les services accomplis par les agents visés à l'article 1er ne sont pas, à l'issue de leur carrière à l'organisation, rémunérés par une prestation prenant la forme d'une pension, ces agents, s'ils n'ont pas adhéré en temps utile à l'assurance volontaire du régime français, ont la faculté de demander le rachat des cotisations au régime obligatoire français de l'assurance vieillesse afférentes au temps de service accompli dans ladite organisation.

2. — Le montant des versements rétroactifs est calculé, pour l'ensemble, des périodes rachetées, sur les émoluments de l'emploi occupé par les intéressés immédiatement avant leur départ de l'organisation dans la limite du plafond des cotisations applicables au jour de la demande de rachat et sur la base de la fraction de la double cotisation des assurances sociales affectée au risque vieillesse.

3. — Les modalités de ces versements auprès des organismes de sécurité sociale compétents sont arrêtées directement entre le secrétaire général de l'Organisation européenne de coopération économique et le ministre du travail du Gouvernement français.

Article 5

1. — Les agents temporaires et les employés de l'Organisation européenne de coopération économique de nationalité française sont soumis à l'ensemble des législations françaises de sécurité sociale, à l'exception de la législation des prestations familiales.

2. — En ce qui concerne les prestations familiales, ils bénéficient d'un régime spécial institué par l'organisation.

Article 6

1. — Les agents temporaires et les employés de l'Organisation européenne de coopération économique ressortissants de pays ayant conclu avec la France des accords de réciprocité en matière de sécurité sociale sont soumis à l'ensemble des législations françaises de sécurité sociale, à l'exception de la législation des prestations familiales.

2. — Ils bénéficient des dispositions contenues dans les accords passés par la France avec les pays dont ils sont ressortissants, en matières de sécurité sociale, à l'exception des dispositions relatives aux prestations familiales.

3. — En ce qui concerne les prestations familiales, ils bénéficient d'un régime spécial institué par l'organisation.

Article 7

1. — Les agents temporaires et les employés de l'Organisation européenne de coopération économique ressortissants de pays autres que ceux avec lesquels la France a passé des accords de réciprocité en matière de sécurité sociale sont soumis aux législations françaises de sécurité sociale, à l'exception de la législation des prestations familiales, et en bénéficient dans les mêmes conditions que les agents de nationalité française.

Toutefois, ils ne sont pas soumis à la législation française des assurances sociales pour la couverture du risque vieillesse.

2. — En ce qui concerne les prestations familiales, ils bénéficient d'un régime spécial institué par l'organisation.
Article 8

Les agents titulaires, les agents temporaires et les employés de l’Organisation européenne de coopération économique autres que ceux qui ont la nationalité française ne sont pas soumis à celles des dispositions contenues dans la législation française concernant les accidents du travail et les maladies professionnelles, qui restreignent les droits des étrangers ou opposent à ceux-ci des déchéances en raison de leur résidence.

Article 9

1. — Les pensions d’invalidité, les rentes d’accidents du travail et, le cas échéant, les pensions de vieillesse, y compris les majorations et allocations complémentaires, acquises au titre de la législation française de sécurité sociale, et conformément aux dispositions du présent accord, par les agents titulaires, les agents temporaires et les employés qui transfèrent leur résidence hors de France sont payées dans leur pays de résidence, nonobstant toutes dispositions contraires.

2. — Les modalités de transfert des sommes dues aux agents et employés visés au paragraphe précédent seront arrêtées d’un commun accord entre le secrétaire général de l’Organisation européenne de coopération économique et les ministres français intéressés.

Article 10

Le ministre du travail du Gouvernement français et le secrétaire général de l’Organisation européenne de coopération économique arrêteront directement les mesures d’application du présent accord.

Article 11

Les difficultés relatives à l’application du présent accord seront réglées, d’un commun accord, par le ministre du travail du Gouvernement français et par le secrétaire général de l’Organisation européenne de coopération économique.

Article 12

1. — Sous réserve des dispositions prévues au paragraphe 1 de l’article 1er et à l’article 2 ci-dessus, le présent accord (dont les dispositions abrogent et remplacent celles de l’accord signé le 12 juillet 1949, entre la France et l’Organisation européenne de coopération économique, sur l’application de la législation française de sécurité sociale au personnel employé par ladite organisation) entrera en vigueur à une date qui sera fixée par échange de lettres entre les parties contractantes.

2. — Toutefois, les stipulations de l’accord signé le 12 juillet 1949 resteront applicables aux droits acquis en vertu de celui-ci nonobstant les dispositions restrictives que les législations françaises de sécurité sociale prévoiraient pour les cas de séjour à l’étranger d’un assuré.

Article 13

1. — Le présent accord est conclu pour une période d’une année à partir de la date de son entrée en vigueur. Il sera renouvelé tacitement d’année en année, sauf dénonciation notifiée trois mois avant l’expiration du terme.
2. — En cas de dénonciation, les stipulations du présent accord restent applicables aux droits acquis en vertu de celui-ci nonobstant les dispositions restrictives que les législations françaises de sécurité sociale prévoiraient pour les cas de séjour à l'étranger d'un assuré.

5. CONVENTION \(^1\) RELATIVE AU RÉGIME DE LA NAVIGATION SUR LE Danube. SIGNÉE A BELGRADE, LE 18 AOÛT 1948 \(^2\)

### Article 5

Il est établi une Commission du Danube, désignée ci-après sous le nom de « Commission »; elle est composée de représentants des pays danubiens, un pour chacun de ces pays.

### Article 13

La Commission a son siège à Galatz.

Elle peut toutefois, par une décision prise à la majorité des voix de tous ses membres, changer le lieu de son siège.

### Article 14

La Commission jouit de la personnalité juridique conformément à la législation de l'État du lieu de son siège.

### Article 16

Les membres de la Commission et les fonctionnaires mandatés par elle jouissent de l'immunité diplomatique. Les locaux officiels, les archives et les documents de toute espèce appartenant à la Commission sont inviolables.

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\(^2\) Entrée en vigueur le 11 mai 1949, date de dépôt du sixième instrument de ratification auprès du Gouvernement de la République fédérale populaire de Yougoslavie, conformément aux dispositions de l'article 47.

Date à laquelle l'instrument de ratification a été déposé respectivement par les États signataires:

<table>
<thead>
<tr>
<th>État</th>
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<tr>
<td>Bulgarie</td>
<td>22 février 1949</td>
</tr>
<tr>
<td>Tchécoslovaquie</td>
<td>23 février 1949</td>
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<tr>
<td>Yougoslavie</td>
<td>23 février 1949</td>
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<td>Roumanie</td>
<td>5 mars 1949</td>
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<tr>
<td>Hongrie</td>
<td>14 mars 1949</td>
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<td>Union des Républiques socialistes soviétiques</td>
<td>11 mai 1949</td>
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<tr>
<td>République socialiste soviétique d'Ukraine</td>
<td>14 mai 1949</td>
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<tr>
<td>Autriche</td>
<td>7 janvier 1960</td>
</tr>
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</table>
6. CHARTER OF THE ORGANIZATION OF AMERICAN STATES. SIGNED AT BOGOTA, ON 30 APRIL 1948

Article 103
The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 104
The Representatives of the Governments on the Council of the Organization, the representatives on the organs of the Council, the personnel of their delegations, as well as the Secretary-General and the Assistant Secretary-General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

Article 105
The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned.

Article 106
Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

7. AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION OF AMERICAN STATES OPENED FOR SIGNATURE ON 15 MAY 1949

Whereas: Article 103 of the Charter of the Organization of American States, signed April 30, 1948, at the Ninth International Conference of American States, provides that “The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes”;

Article 104 of the Charter provides that “The Representatives of the Governments on the Council of the Organization, the Representatives on the Organs of the Council, the personnel of their Delegations, as well as the Secretary-General and the Assistant Secretary-General of the Organization

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2 Came into force on 13 December 1951.
3 Signed and ratified by: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, Venezuela.
5 Signed by: Bolivia, Brazil, Chile, Costa Rica, Cuba, Ecuador, Haiti, Honduras, Nicaragua.
6 Ratified by: Costa Rica, Cuba, Ecuador, Haiti, Nicaragua.
shall enjoy the privileges and immunities necessary for the independent performance of their duties”;

Article 105 of the Charter provides that “The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned”;

The Governments of the States Members of the Organization of American States

Authorize their Representatives on the Council of the Organization to sign the present Agreement concerning the privileges and immunities to be enjoyed by the Organization of American States, which are substantially identical to those granted to the United Nations.

Chapter I

Organization of American States

Article 1

The privileges and immunities of the Organization of American States shall be those which are granted to its Organs and to the personnel thereof. The Specialized Conferences and the Specialized Organizations are not included within the scope of this Agreement.

Article 2

The Organization and its Organs, their 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 the immunity has been expressly waived. It is understood, however, that no such waiver of immunity shall make the said property and assets subject to any measure of execution.

Article 3

The premises of the Organization and of its Organs shall be inviolable. Their property and assets, 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.

Article 4

The archives of the Organization and of its Organs, and all documents belonging to them or in their possession, shall be inviolable wherever located.

Article 5

The Organization and its Organs, their property, funds and assets, shall be:

(a) Exempt from all direct taxes; it is understood, however, that they may not claim exemption from taxes which are, in fact, 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 for their 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 their publications.

Article 6

Without being restricted by financial controls, regulations or moratoria of any kind,

(a) The Organization and its Organs may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The Organization and its Organs shall be free to transfer their funds, gold or currency from one country to another or within any country, and to convert any currency held by them into any other currency.

In exercising these rights, the Organization 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 representation without detriment to the interests of the Organization.

Chapter II

Representatives of the Member States

Article 7

The Representatives of the States Members of the Organs of the Organization, as well as the personnel of the delegations, 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 official capacity, 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 in the state which they are visiting or through which they are passing in the exercise of their functions; in the case of permanent delegations, this exemption shall extend also to dependent relatives;

(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 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.
Chapter III
SECRETARY-GENERAL AND ASSISTANT SECRETARY-GENERAL

Article 8
The Secretary-General and the Assistant Secretary-General of the Organization, their spouses and minor children, shall be granted the privileges and immunities, exemptions and facilities granted to diplomatic envoys.

Chapter IV
PAN AMERICAN UNION

Article 9
The Pan American Union, in exercising its functions as General Secretariat of the Organization of American States, shall have the capacity:
(a) To contract;
(b) To acquire and dispose of movable and immovable property;
(c) To institute legal proceedings.

Chapter V
STAFF OF THE PAN AMERICAN UNION

Article 10
The officials and other members of the staff of the Pan American Union shall:
(a) Be immune from legal process of any kind 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 Pan American Union, on the same conditions that the officials of the United Nations may enjoy such exemptions with respect to the particular Member State;
(c) Be immune from national service obligations, except when the States of which they are nationals require such service. In the latter case, it is recommended that the States take into consideration the needs of the Pan American Union with respect to its technical personnel;
(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 officials of comparable rank 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.

Article 11
The Pan American Union shall cooperate at all times with the appropriate authorities of the particular State to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges and immunities mentioned in this chapter.
Article 12

The Pan American Union 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 Pan American Union is a party;

(b) Disputes involving any official or member of the staff of the Pan American Union with reference to which immunity is enjoyed, if immunity has not been waived by the Secretary-General in accordance with Article 14.

Chapter VI

NATURE OF THE PRIVILEGES AND IMMUNITIES

Article 13

Privileges and immunities are granted to the Delegations of Member States to ensure the independent exercise of their functions with relation to the Organization. Consequently, each Member State shall waive such privileges and immunities in any case where, in its own judgment, the exercise thereof would impede the course of justice and when such waiver can be made without prejudice to the purposes for which they were granted.

Article 14

Privileges and immunities are granted to officials and personnel of the Pan American Union in the interests of the Organization only. Consequently, the Secretary-General shall waive the privileges and immunities of any official or member of the staff in any case where, in the judgment of the Secretary-General, the exercise thereof would impede the course of justice and the waiver can be made without prejudice to the interests of the Organization. In the case of the Secretary-General or of the Assistant Secretary-General the Council of the Organization shall have the right to waive the immunity.

Article 15

The present Agreement shall be subject to the approval of the appropriate authorities in the respective countries.

8. BILATERAL AGREEMENT 1 BETWEEN THE ORGANIZATION OF AMERICAN STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA RELATING TO PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES AND OTHER MEMBERS OF DELEGATIONS. SIGNED AT WASHINGTON, ON 22 JULY 1952 2 3

Whereas: Article 56 of the Charter of the Organization of American States provides that "the Council shall function at the seat of the Pan

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2 Came into force on 22 July 1952, as from the date of signature, in accordance with article 4.
3 See the U.S. Executive Order No. 10533, 19 Fed. Reg. 3289 (1954) (supra, First Part, under United States). This Order designated the Organization of American States as public international organization entitled to enjoy the privileges, exemptions and immunities conferred by the International Organizations Immunities Act of 1945. (See the previous volume of this Series, ST/LEG/SER.B/10, p. 128.)
American Union ";
Article 92 of the Charter provides that "the seat of the Pan American
Union is the City of Washington";
Article 104 provides that "the Representatives of the Governments on
the Council of the Organization...shall enjoy the privileges and immunities
necessary for the independent performance of their duties";
For the full and independent exercise of their duties, the Representatives
on the Council and members of their delegations should enjoy privileges and
immunities in addition to those provided for in Article 7 of the Multilateral
Agreement on Privileges and Immunities,
The Organization of American States and the Government of the United
States of America
Authorize their respective Representatives to sign the following Agreement:

Article 1
The privileges and immunities which the Government of the United
States of America accords to diplomatic envoys accredited to it shall be
extended, subject to corresponding conditions and obligations:

(a) To any person designated by a Member State as its Representative
or Interim Representative on the Council of the Organization of American
States;

(b) To all other permanent members of the delegation regarding whom
there is agreement for that purpose between the Government of the Member
State concerned, the Secretary-General of the Organization, and the Govern-
ment of the United States of America.

Article 2
In the case of Member States whose Governments are not recognized by
the Government of the United States of America, the said privileges and
immunities need be extended to the persons referred to in Article 1 only at
the seat of the Pan American Union, at their residences and offices in or
near the City of Washington, in transit between the seat of the Pan American
Union and such residences and offices, and in transit, on official business,
to or from other countries.

Article 3
In case of abuse of the privileges of residence in the United States by any
person enjoying diplomatic privileges and immunities under the foregoing
articles, the said privileges and immunities shall not be construed to grant
exemption from the laws and regulations of the United States regarding
the continued residence of aliens. However, no such person shall be re-
quired to leave the country otherwise than in accordance with the customary
procedure applicable to diplomatic envoys accredited to the Government
of the United States.

Article 4
This Agreement shall enter into force on the date it is signed.

IN WITNESS WHEREOF, the Secretary-General of the Organization of
American States, proceeding in accordance with the authority conferred
upon him by the Council of the Organization, and the Representative of the
United States on the Council of the Organization, acting in pursuance of
the authority vested in him by the President of the United States of America,
have signed the present Agreement.
Done in duplicate, in the Spanish and English languages, both authentic, at Washington, this 22nd day of July 1952.

For the Government of the United States of America:

Subject to the understanding that the privileges and immunities provided for in this Agreement do not apply to representatives of the United States of America or to nationals of the United States of America serving in any other capacity.

John C. Dreier
Ambassador, Representative of the United States

For the Organization of American States:

Alberto Lleras
Secretary-General


WHEREAS:

The Inter-American Committee of Presidential Representatives, in its Recommendation No. 25, indicated, as one of the means of strengthening the action of the Organization of American States so that it might be an increasingly effective agency of co-operation between the Member States, the desirability of establishing closer ties between the countries of the continent through mutual knowledge of their cultural, economic and social characteristics in the American community, adding that it is a matter of vital importance to the effective functioning of the Organization to be assured of the understanding, support and participation of the public;

In order to achieve these aims, the Committee advised in that Recommendation that the necessary steps be taken to establish properly organized local Offices of the Organization in all the American Republics;

The Council of the Organization of American States, in its Resolution of 3 June 1953, authorized the Secretary-General to establish Offices of the Pan American Union in the various member countries;

The Government of the Argentine Republic has offered the Pan American Union its co-operation in realizing this objective, through the establishment at Buenos Aires of an Information Office of the General Secretariat of the organization of American States, and has also offered the facilities that are granted to international bodies; and

To these ends it is necessary to conclude an Agreement defining the methods of co-operation between the Parties and determining the conditions, facilities and prerogatives that the Government of the Argentine Republic

¹ Text of Agreement provided in Spanish by the organization of American States. Translation by the Secretariat of the United Nations.

² Entered into force upon the date of signature (article 23).
will grant to the Pan American Union with regard to the establishment of the aforementioned Office,

NOW THEREFORE,

The **Pan American Union** (hereinafter referred to as "the Union") represented by Dr. José A. Mora, Secretary-General of the Organization of American States, on the one part, and

The **Government of the Argentine Republic** (hereinafter referred to as "the Government") represented by His Excellency the Acting Minister for Foreign Affairs, Rear Admiral Teodoro E. Hartung, on the other part, **HAVE AGREED AS FOLLOWS:**

**Establishment and Purpose of the Office**

**Article 1**


**Article 5**

The Office shall form an integral part of the General Secretariat of the Organization of American States. The staff assigned to it shall be appointed by the Secretary-General of the Organization of American States.

**Article 6**

The Office shall enjoy in the territory of the Argentine Republic, in accordance with the provisions of article 103 of the Charter of the Organization of American States, such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes, within the limits specified in this Agreement.

**Legal Capacity**

**Article 7**

The Office shall have the status of a body corporate in the territory of the Argentine Republic and shall possess legal capacity: (a) to contract, (b) to acquire and dispose of movable and immovable property, and (c) to institute legal and administrative proceedings.

**Freedom of Action**

**Article 8**

The Office shall enjoy in the Argentine Republic the independence and freedom of action that are granted to international bodies in accordance with international custom.

**Property, Goods and Assets**

**Article 9**

The Office, as well as its property, goods and assets, shall enjoy immunity in the Argentine Republic from judicial and administrative process, except
in those particular cases in which such immunity is expressly waived by the
Director of the Office, being duly authorized to do so by the Secretary-
General of the Organization of American States.

Article 10

The offices, premises, archives and documents of the Office shall be
inviolable.

Article 11

The Office and its property, goods and assets shall be exempt from:

(a) All direct or indirect taxes, provided that no exemption may be
claimed in respect of taxes which are, in fact, charges for public utility
services;

(b) Customs duties, prohibitions and restrictions affecting articles,
equipment or supplies imported or exported for its official use; provided
that articles imported free of duty shall not be sold in the country except
under conditions agreed with the Government; and

(c) Customs duties, prohibitions and restrictions affecting the import or
export of its publications.

Article 12

Irrespective of any kind of fiscal or other regulations or any kind of
moratoria, the Office:

(a) May hold funds and currencies of any kind and keep its accounts in
any currency; and

(b) Shall be free to transfer its funds within the Argentine Republic
or to other countries and to convert currency held by it into any other
currency.

Article 13

In exercising the rights laid down in article 12, the Office shall pay due
regard to any complaint which the Government may make.

Facilities with Respect to Communications

Article 14

The Office shall enjoy in the Argentine Republic, for its official com-
 munications, treatment not less favourable than that accorded by the
Government of the Argentine Republic to any other Government, including
diplomatic missions thereof, in the matter of priorities, rates and taxes on
mails, cables, telegrams, radiograms and telephone and other communi-
cations.

Article 15

The Office shall have the right to dispatch and receive correspondence
by courier or in sealed bags.

Staff of the Office

Article 16

The officials of the Office shall be immune from all legal process in respect
of acts performed and words spoken or written by them in the performance
of their functions. In addition, they shall be exempt from taxation on the salaries and emoluments paid to them by the Office. The Director and other officials of the Office shall be granted the privilege of bringing in tax free, every two years, a motor vehicle for their personal use.

Article 17

Those officials of the Office who are not of Argentine nationality shall:

(a) Enjoy immunity from any compulsory national service;
(b) Be granted, together with their spouses and dependent relatives, all the facilities compatible with the law with regard to immigration;
(c) Be allowed on not more than one occasion to import and export their furniture and personal effects free of duty.

Article 18

The Director of the Office or his duly authorized representative shall communicate to the Government the names of the officials and other staff members in the Argentine Republic to whom the benefits specified in article 17 apply.

Article 19

The privileges and immunities shall be granted to the Director and officials of the Office exclusively in the interests of the Office. Consequently, the Director of the Office, being duly authorized for this purpose by the Secretary-General of the Organization of American States, shall waive the privileges and immunities of any official in any case where, in the opinion of the Secretary-General, the exercise thereof would impede the course of justice and the said privileges and immunities can be waived without prejudice to the interests of the Office.

Co-operation and Settlement of Disputes

Article 20

The Office shall co-operate with the appropriate authorities of the country to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of abuses in connexion with the privileges and immunities mentioned in this Agreement.

Article 21

The Office shall take the necessary measures for the appropriate settlement of:

(a) Disputes arising out of contracts or other questions of private law to which the Office is a party; and
(b) Disputes to which any official of the Office is a party, and in respect of which he enjoys immunity unless the Director, being duly authorized for that purpose by the Secretary-General of the Organization of American States, has waived immunity in accordance with the provisions of article 19.
FINAL PROVISIONS

Article 22

No provision of this Agreement is to be construed as an impediment to the adoption of appropriate security measures in the interests of the Government.

Article 23

This Agreement shall enter into force upon the date of signature.

Article 24

This Agreement may be revised with the mutual consent of the Government and the Union.

Article 25

Either of the Parties may terminate this Agreement by giving one year’s notice in writing to the other Party.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this agreement in duplicate, at Buenos Aires, on 24 January 1958.

For the Government of the For the Pan American Union
Argentine Republic
(Signed) Teodoro E. Hartung (Signed) José A. Mora
Acting Minister for Foreign Affairs Secretary-General of the Organization
(SWAL) of American States
(SEAL)

10. AGREEMENT 1 ESTABLISHING THE INTER-AMERICAN DEVELOPMENT BANK, 8 APRIL 1959 2

Article XI

STATUS, IMMUNITIES AND PRIVILEGES

Section 1. Scope of Article

To enable the Bank to fulfill its purpose and the functions with which it is entrusted, the status, immunities, and privileges set forth in this article shall be accorded to the Bank in the territories of each member.

Section 2. Legal Status

The Bank shall possess juridical personality and, in particular, full capacity:

(a) To contract;
(b) To acquire and dispose of immovable and movable property; and
(c) To institute legal proceedings.

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1 The text of this Agreement was provided by the Organization of American States.
2 States which are parties (up to 1 January 1960): Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States.
Section 3. Judicial Proceedings

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities.

No action shall be brought against the Bank by members or persons acting for or deriving claims from members. However, member countries shall have recourse to such special procedures to settle controversies between the Bank and its members as may be prescribed in this Agreement, in the by-laws and regulations of the Bank or in contracts entered into with the Bank.

Property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4. Immunity of Assets

Property and assets of the Bank, wheresoever located and by whomsoever held, shall be considered public international property and shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

Section 5. Inviolability of Archives

The archives of the Bank shall be inviolable.

Section 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the purpose and functions of the Bank and to conduct its operations in accordance with this Agreement, all property and other assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature, except as may otherwise be provided in this Agreement.

Section 7. Privilege for Communications

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Personal Immunities and Privileges

All governors, executive directors, alternates, officers and employees of the Bank shall have the following privileges and immunities:

(a) Immunity from legal process with respect to acts performed by them in their official capacity, except when the Bank waives this immunity.

(b) When not local nationals, the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange provisions as are accorded by members to the representatives, officials, and employees of comparable rank of other members.

(c) The same privileges in respect of traveling facilities as are accorded by members to representatives, officials, and employees of comparable rank of other members.

Section 9. Immunities from Taxation

(a) The Bank, its property, other assets, income, and the operations and transactions it carries out pursuant to this Agreement shall be immune
from all taxation and from all customs duties. The Bank shall also be
immune from any obligation relating to the payment, withholding or col-
lection of any tax, or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments
paid by the Bank to executive directors, alternates, officials or employees of
the Bank who are not local citizens or other local nationals.

(c) No tax of any kind shall be levied on any obligation or security
issued by the Bank, including any dividend or interest thereon, by whomso-
ever held:

(i) Which discriminates against such obligation or security solely be-
cause it is issued by the Bank; or

(ii) If the sole jurisdictional basis for such taxation is the place or
currency in which it is issued, made payable or paid, or the location
of any office or place of business maintained by the Bank.

(d) No tax of any kind shall be levied on any obligation or security
guaranteed by the Bank, including any dividend or interest thereon, by
whomsoever held:

(i) Which discriminates against such obligation or security solely be-
cause it is guaranteed by the Bank; or

(ii) If the sole jurisdictional basis for such taxation is the location of any
office or place of business maintained by the Bank.

Section 10. Implementation

Each member, in accordance with its juridical system, shall take such
action as is necessary to make effective in its own territories the principles
set forth in this article, and shall inform the Bank of the action which it has
taken on the matter.

11. STATUTE OF THE COUNCIL OF EUROPE, 5 MAY 1949,
AS AMENDED 12

Chapter VIII. Privileges and Immunities

Article 40

(a) The Council of Europe, representatives of Members and the Secre-
tariat shall enjoy in the territories of its Members such privileges and im-
munities as are reasonably necessary for the fulfilment of their functions.

p. 275.
2 In accordance with article 42, the Statute came into force on 3 August 1949,
the date of deposit with the Government of the United Kingdom of the seventh
instrument of ratification, as between the following signatory States, on behalf
of which the instruments of ratification were deposited as follows:

Denmark . . . . . . 14 July 1949    Norway . . . . . . 2 August 1949
Sweden . . . . . . 20 July 1949    Italy . . . . . . 3 August 1949
United Kingdom . . 26 July 1949   Luxembourg . . 3 August 1949
Ireland . . . . . . 30 July 1949

For other signatory States the Statute came into force on the respective dates
of deposit of the instrument of ratification as indicated below:

France . . . . . . 4 August 1949    Belgium . . . . . . 8 August 1949
Netherlands . . . 5 August 1949
These immunities shall include immunity for all representatives in the Consultative Assembly from arrest and all legal proceedings in the territories of all Members, in respect of words spoken and votes cast in the debates of the Assembly or its committees or commissions.

(b) The Members undertake as soon as possible to enter into agreement for the purpose of fulfilling the provisions of paragraph (a) above. For this purpose the Committee of Ministers shall recommend to the Governments of Members the acceptance of an Agreement defining the privileges and immunities to be granted in the territories of all Members. In addition a special Agreement shall be concluded with the Government of the French Republic defining the privileges and immunities which the Council shall enjoy at its seat.

12. GENERAL AGREEMENT 1 ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE. SIGNED AT PARIS, ON 2 SEPTEMBER 1949 2

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Kingdom of Greece, the Irish Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Kingdom of Sweden, the Turkish Republic and the United Kingdom of the Great Britain and Northern Ireland;

Whereas under the provisions of Article 40, paragraph (a) of the Statute, 3 the Council of Europe, representatives of Members and the Secretariat shall enjoy in the territories of its Members such privileges and immunities as are necessary for the exercise of their duties;

2 In accordance with article 22, the Agreement came into force on 10 September 1952 in respect of the following members of the Council of Europe on behalf of which the instruments of ratification were deposited with the Secretary-General of the Council of Europe on the dates indicated:
Belgium . . . . 5 April 1951 Sweden . . . . 25 September 1950
Italy . . . . 7 February 1952 United Kingdom
Luxembourg . 10 September 1952 of Great Britain
Netherlands . 18 March 1950 and Northern
Norway . . . . 1 December 1949 Ireland . . . . 25 September 1950
and subsequently for the following members by deposit of an instrument of ratification or accession on the dates indicated:
Denmark . . . . 2 September 1953 Greece . . . . 17 November 1953
Austria Turkey . . . . 7 January 1960
(accession) . 9 May 1957

In addition, pursuant to the provisions of article 7 (d) of the Protocol to the General Agreement, the latter came into force on 11 July 1956 for the following members on behalf of which the instruments of accession were deposited on the dates indicated:
Federal Republic of Iceland . . . . 11 March 1955
of Germany (with Saar . . . . 16 February 1954
two declarations) 10 September 1954

Whereas under the provisions of the paragraph (b) of the above-mentioned Article, the Members of the Council have undertaken to enter into an agreement for the purpose of fulfilling the provisions of the said paragraph;

Whereas in pursuance of the above-mentioned paragraph (b), the Committee of Ministers has recommended to Member Governments the acceptance of the following provisions;

Have agreed as follows:

PART I

PERSONALITY-CAPACITY

Article 1

The Council of Europe shall possess juridical personality. It shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

In these matters the Secretary-General shall act on behalf of the Council of Europe.

Article 2

The Secretary-General shall co-operate at all times with the competent authorities of the 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, exemptions and facilities enumerated in the present Agreement.

PART II

PROPERTY, FUNDS AND ASSETS

Article 3

The Council, its property and assets, wheresoever located and by whomever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Committee of Ministers has expressly authorized the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

Article 4

The buildings and premises of the Council shall be inviolable. Its property and assets, wheresoever located and by whomever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference whether by administrative, judicial or legislative action.

Article 5

The archives of the Council, and in general all documents belonging to it or held by it, shall be inviolable wheresoever located.

Article 6

Without being restricted by financial controls, regulations or financial moratoria of any kind:

(a) The Council may hold currency of any kind and operate accounts in any currency;

(b) The Council may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency;
In exercising its rights under sub-paragraphs (a) and (b) above, the Council of Europe shall pay due regard to any representations made by the Government of a Member and shall give effect to such representations in so far as it considers this can be done without detriment to the interests of the Council.

**Article 7**

The Council, its assets, income and other property shall be exempt:

(a) From all direct taxes; the Council will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;

(b) From all customs duties and prohibitions and restrictions on imports and exports in respect of articles required by the Council for its official use; articles imported under such exemption will not be sold in the country into which they are imported, except under conditions approved by the Government of that country;

(c) From all customs duties, and prohibitions and restrictions on imports and exports in respect of its publications.

**PART III**

**COMMUNICATIONS**

**Article 8**

The Committee of Ministers and the Secretary-General shall enjoy in the territory of each Member, for their official communications, treatment at least as favourable as that accorded by that Member to the diplomatic missions of any other Government.

No censorship shall be applied to the official correspondence and other official communications of the Committee of Ministers and of the Secretariat.

**PART IV**

**REPRESENTATIVES OF MEMBERS TO THE COMMITTEE OF MINISTERS**

**Article 9**

Representatives at the Committee of Ministers shall, while exercising their functions and during their journeys 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 official capacity, 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 or aliens registration in the State which 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 comparable rank of diplomatic missions.
(f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

**Article 10**

In order to secure for the representatives at the Committee of Ministers complete freedom of speech and complete independence 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 engaged in the discharge of such duties.

**Article 11**

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 Committee of Ministers. Consequently, a Member not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

**Article 12**

(a) The provisions of articles 9, 10 and 11 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

(b) In articles 9, 10, 11 and 12 (a) above, the expression "representatives" shall be deemed to include all representatives, alternate representatives, advisers, technical experts and secretaries of delegations.

**PART V**

**Representatives to the Consultative Assembly**

**Article 13**

No administrative or other restriction shall be imposed on the movement to and from the place of meeting of representatives to the Consultative Assembly and their substitutes.

Representatives and their substitutes shall, in the matter of customs and exchange control, be accorded:

(a) By their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;

(b) By the governments of other Members, the same facilities as those accorded to representatives of foreign governments on temporary official duty.

**Article 14**

Representatives to the Consultative Assembly and their substitutes shall be immune from all official interrogation and from arrest and all legal proceedings in respect of words spoken or votes cast by them in the exercise of their functions.
Article 15

During the sessions of the Consultative Assembly, the representatives to the Assembly and their substitutes, whether they be Members of Parliament or not, shall enjoy:

(a) On their national territory, the immunities accorded in those countries to Members of Parliament;
(b) On the territory of all other Member States, exemption from arrest and prosecution.

This immunity also applies when they are travelling to and from the place of meeting of the Consultative Assembly. It does not, however, apply when representatives and their substitutes are found committing, attempting to commit, or just having committed an offence, nor in cases where the Assembly has waived the immunity.

PART VI

OFFICIALS OF THE COUNCIL

Article 16

In addition to the immunities and privileges specified in Article 18 below, the Secretary-General and Deputy Secretary-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 17

The Secretary-General will specify the categories of officials to which the provisions of Article 18 below shall apply. He shall communicate them 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 above mentioned Government.

Article 18

Officials of the Council of Europe shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority;
(b) Be exempt from taxation on the salaries and emoluments paid to them by the Council of Europe.
(c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
(d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government concerned;
(e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
(f) 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, and to re-export the same free of duty to their country of domicile.
Article 19

Privileges and immunities are granted to officials in the interests of the Council of Europe 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 Council of Europe. In the case of the Secretary-General and of the Deputy Secretary-General, the Committee of Ministers shall have the right to waive immunity.

PART VII
SUPPLEMENTARY AGREEMENTS

Article 20

The Council may conclude with any Member or Members supplementary agreements modifying the provisions of this General Agreement, so far as that Member or those Members are concerned.

PART VIII
DISPUTES

Article 21

Any dispute between the Council and private persons regarding supplies furnished, services rendered or immovable property purchased on behalf of the Council shall be submitted to arbitration, as provided in an administrative order issued by the Secretary-General with the approval of the Committee of Ministers.

PART IX
FINAL PROVISIONS

Article 22

The present Agreement shall be ratified. Instruments of ratification shall be deposited with the Secretary-General. The Agreement shall come into force as soon as seven signatories have deposited their instruments of ratification.

Nevertheless, pending the entry into force of the Agreement in accordance with the provisions of the preceding paragraph, the signatories agree, in order to avoid any delay in the efficient working of the Council, to apply it provisionally from the date of signature, so far as it is possible to do so under their respective constitutional systems.

FIRST DECLARATION BY THE FEDERAL REPUBLIC OF GERMANY

The German Federal Republic hereby accedes to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2nd September 1949, and to the Protocol thereto signed at Strasbourg on 6th November 1952, to the exclusion of Article 6 (b) of the Agreement.

In doing so, the German Federal Republic declares that its accession to the General Agreement of 2nd September 1949 on the Privileges and Immunities of the Council of Europe, and to the Protocol thereto of

1 Translation by the Council of Europe.
6th November 1952 does not constitute recognition of the present Statute of the Saar.

"The Government of the German Federal Republic will inform the Secretary-General of the Council of Europe as soon as the legal conditions in Land Berlin have been fulfilled that the General Agreement of 2nd September 1949 on the Privileges and Immunities of the Council of Europe and the Protocol thereto of 6th November 1952 apply also to Land Berlin."

SECOND DECLARATION BY THE FEDERAL REPUBLIC OF GERMANY

"The German Federal Republic having the right and obligation to extend all international treaties concluded by it to Land Berlin, I declare in the name and on the instructions of the Government of the German Federal Republic that the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2nd September 1949, and the Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Strasbourg on 6th November 1952, with the exception of Article 6 (b) of the Agreement, are also applicable to Land Berlin as from the date at which the Agreement and the Protocol enter into force for the German Federal Republic."

13. ACCORD SPÉCIAL ENTRE LE CONSEIL DE L’EUROPE ET LA FRANCE RELATIF AU SIEGE DU CONSEIL DE L’EUROPE. SIGNÉ À PARIS, LE 2 SEPTEMBRE 1949;

Le Conseil de l’Europe et le Gouvernement de la République française; Désireux de conclure un accord en vue d’assurer l’exécution de l’article 11 et de l’article 40, paragraphe b, in fine, du Statut du Conseil de l’Europe; Considérant l’Accord général sur les privilèges et immunités conclu entre les États membres du Conseil de l’Europe le 2 septembre 1949, à Paris; Ont désigné à cet effet comme leurs représentants, Le Conseil de l’Europe:

Monsieur J. C. PARIS, Secrétaire général
et
Le Gouvernement de la République française:

Monsieur R. SCHUMAN, Ministre des affaires étrangères,
qui sont convenus de ce qui suit:

Article 1


2 Entré en vigueur par un échange de notes en date du 21 novembre 1949, après avoir été préalablement approuvé par le Comité des ministres le 5 novembre 1949.
Article 2

Le Conseil de l'Europe a le droit d'édicter des règlements destinés à faciliter, à l'intérieur de ses bâtiments et locaux, le plein exercice de ses attributions.

Article 3

Les locaux et bâtiments du Conseil sont inviolables. Les agents ou fonctionnaires français ne peuvent pénétrer dans les dits bâtiments et locaux pour y exercer leurs fonctions qu'avec le consentement du Secrétaire général et dans les conditions acceptées par celui-ci.

Sans qu'il puisse être porté atteinte aux dispositions de l' Accord général sur les privilèges et immunités, le Conseil veille à ce que les bâtiments et locaux du Conseil ne deviennent pas le refuge de personnes qui tenteraient d'échapper à une arrestation demandée en vertu d'un mandat régulier des autorités françaises ou qui chercheraient à se dérober à l'exécution d'un acte de procédure.

Article 4

Le Conseil peut expulser ou exclure de ses locaux et bâtiments toute personne, soit pour violation des règlements adoptés conformément aux dispositions de l'article 2, soit pour toute autre cause.

Article 5

Les autorités françaises ne mettront pas obstacle à l'accès au siège du Conseil:

a) Des représentants au Comité et à l'Assemblée ou des agents du Conseil, des familles de ces représentants ou agents;

b) Des experts accomplissant des missions pour le compte du Conseil;

c) Des représentants de la presse, de la radio, du cinéma ou de toutes autres agences d'information régulièrement accréditées et munis de titres de voyage valables et que le Conseil aura décidé d'agréer avec le consentement du gouvernement français ou

d) D'autres personnes invitées par le Conseil en vue d'assister à ses travaux.

Article 6

Les visas éventuellement nécessaires au voyage des personnes mentionnées à l'article 5 seront accordés aussi rapidement que possible.

Les dispositions prévues à l'article 5 n'auront pas pour effet de soustraire les personnes visées dans le dit article à la réglementation française sur le séjour des étrangers dans le cas où celles-ci abuseraient des privilèges prévus à cet article en se livrant sur le territoire français, soit à des activités sans rapport avec leur mission, soit, dans le cas plus particulier des personnes visées au paragraphe c du même article, à des actes incompatibles avec les devoirs de loyauté et d'honneur professionnel.

Article 7

Les autorités françaises compétentes assureront, aux limites des bâtiments et locaux du Conseil de l'Europe, la protection de police nécessaire.
A la demande du Secrétaire général, les autorités françaises compétentes fourniront les forces de police suffisantes pour assurer l'ordre à l'intérieur des locaux et bâtiments, suivant les instructions données par lui.

**Article 8**

Le Secrétaire général et les autorités françaises compétentes pourront conclure tout accord destiné à faciliter l'application des présentes dispositions.

**Article 9**

Les risques de dommages pour les immeubles ou pour le mobilier mis provisoirement par le gouvernement français à la disposition du Conseil de l'Europe seront à la charge de ce dernier.

**Article 10**

L'expression « bâtiments et locaux » employée dans le présent Accord comprend également les terrains, cours et jardins attenant aux dits bâtiments et locaux affectés à l'usage d'un des organes ou services du Conseil de l'Europe, que celui-ci en soit propriétaire, locataire ou occupant gratuit.

**Article 11**

Le présent Accord entrera en vigueur à la suite d'un échange de notes entre le Secrétaire général, dûment autorisé en vertu d'une résolution du Comité des ministres du Conseil de l'Europe, et le Représentant du Gouvernement français, dûment habilité à cet effet. Une copie conforme de cet échange de notes sera adressée aux Membres.

14. **ACCORD 1 COMPLÉMENTAIRE A L'ACCORD GÉNÉRAL SUR LES PRIVILÈGES ET IMMUNITÉS DU CONSEIL DE L'EUROPE ENTRE LE CONSEIL DE L'EUROPE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE. SIGNÉ A PARIS, LE 18 MARS 1950 2**

Le Conseil de l'Europe et le Gouvernement de la République française,
Considérant qu'il importe de préciser les privilèges et immunités dont le Conseil de l'Europe peut bénéficier sur le territoire français en matière de contributions indirectes,
Désireux de conclure un accord complémentaire à l'Accord général sur les privilèges et immunités du Conseil de l'Europe, conformément à l'article 20 dudit Accord général,
Ont désigné, à cet effet, comme leurs représentants:
Le Conseil de l'Europe,
Monsieur J. C. PARIS, Secrétaire général du Conseil de l'Europe, et
Le Gouvernement de la République française,
Son Excellence Monsieur Robert SCHUMAN, Ministre des affaires étrangères,
qui sont convenus de ce qui suit:

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2 Entré en vigueur le 18 mars 1950, dès la signature, conformément à l'article 2.
Article 1
Bien que le Conseil de l'Europe ne revendique pas, en principe, l'exonération des droits d'accise et des taxes à la vente entrant dans le prix des biens mobiliers ou immobiliers, cependant, quand il effectue pour son usage officiel des achats importants dont le prix comprend des droits et taxes de cette nature, le Gouvernement français prendra, chaque fois qu'il lui sera possible, les dispositions administratives appropriées en vue de la remise ou du remboursement du montant de ces droits et taxes.

Article 2
Le présent Accord entrera en vigueur dès sa signature.

15. ADDITIONAL PROTOCOL \(^1\) TO THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE. SIGNED AT STRASBOURG, ON 6 NOVEMBER 1952 \(^2\)

The Governments signatory to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on the 2nd September 1949 (hereinafter referred to as “the Agreement”),
Desirous of extending the provisions of the Agreement,
Have agreed as follows:

Article 1
Any present or future Member of the Council of Europe not a signatory of the Agreement may accede to the latter and to this Protocol by depositing its instrument of accession to them both with the Secretary-General of the Council of Europe, who shall notify the Members of the Council thereof.

Article 2
(a) The provisions of Part IV of the Agreement shall apply to representatives attending meetings of the Ministers' Deputies.
(b) The provisions of Part IV of the Agreement shall apply to representatives other than representatives to the Consultative Assembly attending meetings convened by the Council of Europe and held when neither the Committee of Ministers nor the Ministers' Deputies are in session save that representatives attending such meetings shall not be exempt from arrest and

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\(^2\) In accordance with the provisions of article 7, the Protocol came into force on 11 July 1956 for the following members of the Council of Europe on behalf of which the instruments of ratification or accession \(^2\) were deposited with the Secretary-General of the Council of Europe on the dates indicated:

<table>
<thead>
<tr>
<th>Country</th>
<th>Date</th>
<th>Signatory</th>
<th>Date</th>
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prosecution when found committing, attempting to commit, or just having committed an offence.

**Article 3**

The provisions of Article 15 of the Agreement shall apply to representatives to the Assembly, and their substitutes, at any time when they are attending, or travelling to and from, meetings of Committees and Sub-Committees of the Consultative Assembly, whether or not the Assembly is itself in session at such time.

**Article 4**

The permanent representatives of Members of the Council of Europe shall, while exercising their functions and during their journey to and from the place of meetings, enjoy the privileges, immunities and facilities normally enjoyed by diplomatic envoys of comparable rank.

**Article 5**

Privileges, immunities and facilities are accorded to the representatives of Members not for the personal benefit of the individuals concerned, but in order to safeguard the independent exercise of their functions in connection with the Council of Europe. Consequently, a Member has not only the right but the 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 6**

The provisions of Article 4 are not applicable in relation to the authorities of the State of which the person is a national or of the Member of which he is or has been a representative.

**Article 7**

(a) This Protocol shall be open to signature by all Members which have signed the Agreement. The Protocol shall be ratified at the same time as or after the ratification of the Agreement. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

(b) This Protocol shall enter into force on the day when it shall have been ratified by all the signatories who at that date have ratified the Agreement, on condition that the number of signatories who have ratified the Agreement and the Protocol shall not be fewer than seven.

(c) As regards any signatory ratifying subsequently, the Protocol shall enter into force at the date of the deposit of its instrument of ratification.

(d) In the case of Members which have acceded to the Agreement and Protocol in accordance with the terms of Article 1, the Agreement and Protocol shall enter into force:

(i) On the date specified in paragraph (b) above in cases where the instrument of accession has been deposited prior to this date; or

(ii) On the date of deposit of the instrument of accession in cases where this instrument is deposited at a date subsequent to that specified in paragraph (b) above.

Article 6

La Communauté a la personnalité juridique.
Dans les relations internationales, la Communauté jouit de la capacité juridique nécessaire pour exercer ses fonctions et atteindre ses buts.
Dans chacun des États membres, la Communauté jouit de la capacité juridique la plus large reconnue aux personnes morales nationales ; elle peut, notamment, acquérir et aliéner des biens immobiliers et mobiliers et ester en justice.
La Communauté est représentée par ses institutions, chacune dans le cadre de ses attributions.

Article 40

Sous réserve des dispositions de l'article 34, alinéa 1, la Cour est compétente pour accorder, sur demande de la partie lésée, une réparation pécuniaire à la charge de la Communauté, en cas de préjudice causé dans l'exécution du présent Traité par une faute de service de la Communauté.
Elle est également compétente pour accorder une réparation à la charge d'un agent des services de la Communauté, en cas de préjudice causé par une faute personnelle de cet agent dans l'exercice de ses fonctions. Si la partie lésée n'a pu obtenir cette réparation de la part de l'agent, la Cour peut mettre une indemnité équitable à la charge de la Communauté.
Tous autres litiges nés entre la Communauté et les tiers, en dehors de l'application des clauses du présent Traité et des règlements d'application, sont portés devant les tribunaux nationaux.

Article 76

La Communauté jouit, sur les territoires des États membres, des immunités et privilèges nécessaires pour remplir sa mission, dans les conditions définies à un Protocole annexe.

2 Entré en vigueur le 23 juillet 1952, date à laquelle a été déposé le dernier instrument de ratification auprès du Gouvernement de la République française, conformément à l'article 99. Les instruments de ratification ont été déposés aux dates suivantes:
République fédérale
d'Allemagne . . . 23 juillet 1952 Italie . . . . . . . . 22 juillet 1952
Belgique . . . . 22 juillet 1952 Luxembourg . . . . 23 juillet 1952
France . . . . 18 juillet 1952 Pays-Bas . . . . . . . . 17 juillet 1952
17. PROTOCOLE SUR LES PRIVILÈGES ET IMMUNITÉS DE LA COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L’ACIER. SIGNÉ À PARIS, LE 18 AVRIL 1951

LES HAUTES PARTIES CONTRACTANTES:

Considérant que, aux termes de l’article 76 du Traité, la Communauté jouit sur les territoires des États membres des immunités et privilèges nécessaires pour remplir sa mission dans les conditions prévues à un Protocole annexe,

SONT CONVEnUES de ce qui suit:

CHAPITRE PREMIER

BIENS, FONDS ET AVOIRS

Article 1

Les locaux et les bâtiments de la Communauté sont inviolables. Ils sont exempts de perquisition, réquisition, confiscation ou expropriation. Les biens et avoirs de la Communauté ne peuvent être l’objet d’aucune mesure de contrainte administrative ou judiciaire sans une autorisation de la Cour.

Article 2

Les archives de la Communauté sont inviolables.

Article 3

La Communauté peut détenir des devises quelconques et avoir des comptes en n’importe quelle monnaie.

Article 4

La Communauté, ses avoirs, revenus et autres biens sont exonérés:

a) De tout impôt direct; toutefois, la Communauté ne demandera pas l’exonération des impôts, taxes et droits qui ne constituent que la simple rémunération de services d’utilité publique;

b) De tous droits de douane, prohibitions et restrictions d’importation et d’exportation, à l’égard des articles destinés à son usage officiel; les articles ainsi importés en franchise ne seront pas vendus sur le territoire du pays dans lequel ils auront été introduits, sauf à des conditions agréées par le gouvernement de ce pays;

c) De tout droit de douane et de toutes prohibitions et restrictions d’importation et d’exportation à l’égard de ses publications.

CHAPITRE II

COMMUNICATIONS ET LAISSEZ-PASSER

Article 5

Les institutions de la Communauté bénéficient, sur le territoire de chaque État membre, pour leurs communications officielles, du traitement accordé par cet État aux missions diplomatiques.

La correspondance officielle et les autres communications officielles des institutions de la Communauté ne peuvent être censurées.

**Article 6**


**CHAPITRE III**

**MEMBRES DE L’ASSEMBLÉE**

**Article 7**

Aucune restriction d’ordre administratif ou autre n’est apportée au libre déplacement des membres de l’Assemblée se rendant au lieu de réunion de l’Assemblée ou en revenant.

Les membres de l’Assemblée se voient accorder en matière de douane et de contrôle des changes:

a) Par leur propre gouvernement, les mêmes facilités que celles reconnues aux hauts fonctionnaires se rendant à l’étranger en mission officielle temporaire;

b) Par le gouvernement des autres Etats membres les mêmes facilités que celles reconnues aux représentants de gouvernements étrangers en mission officielle temporaire.

**Article 8**

Les membres de l’Assemblée ne peuvent être recherchés, détenus ou poursuivis en raison des opinions ou votes émis par eux dans l’exercice de leurs fonctions.

**Article 9**

Pendant la durée des sessions de l’Assemblée, les membres de celle-ci bénéficient:

a) Sur leur territoire national, des immunités reconnues aux membres du Parlement de leur pays;

b) Sur le territoire de tout autre Etat membre, de l’exemption de toutes mesures de détention et de toute poursuite judiciaire.

L’immunité les couvre également lorsqu’ils se rendent au lieu de réunion de l’Assemblée ou en reviennent. Elle ne peut être invoquée dans le cas de flagrant délit et ne peut non plus mettre obstacle au droit de l’Assemblée de lever l’immunité d’un de ses membres.

**CHAPITRE IV**

**REPRÉSENTANTS AU CONSEIL**

**Article 10**

Les représentants au Conseil et les personnes qui les accompagnent à titre officiel jouissent, pendant l’exercice de leurs fonctions et au cours de leurs voyages à destination ou en provenance du lieu de la réunion, des privilèges et immunités d’usage.
CHAPITRE V
MEMBRES DE LA HAUTE AUTORITÉ ET FONCTIONNAIRES DES INSTITUTIONS DE LA COMMUNAUTÉ

Article 11

Sur le territoire de chacun des États membres, et quelle que soit leur nationalité, les membres de la Haute Autorité et les fonctionnaires de la Communauté:

a) Jouissent, sous réserve des dispositions de l’article 40, alinéa 2, du Traité, de l’immunité de juridiction pour les actes accomplis par eux, y compris leurs paroles et écrits, en leur qualité officielle; ils continueront à bénéficier de cette immunité après la cessation de leurs fonctions;

b) Sont exonérés de tout impôt sur les traitements et émoluments versés par la Communauté;

c) Ne sont pas soumis, non plus que leurs conjoints et les membres de leur famille vivant à leur charge, aux dispositions limitant l’immigration et aux formalités d’enregistrement des étrangers;

d) Jouissent du droit d’importer en franchise leur mobilier et leurs effets à l’occasion de leur première prise de fonction dans le pays intéressé, et de les réexporter en franchise vers leurs pays de domicile lors de la cessation de leurs fonctions.

Article 12

Le président de la Haute Autorité détermine les catégories de fonctionnaires auxquels s’appliquent, en tout ou partie, les dispositions du présent chapitre. Il en soumet la liste au Conseil et en donne ensuite communication aux gouvernements de tous les États membres. Les noms des fonctionnaires compris dans ces catégories sont communiqués périodiquement aux gouvernements des États membres.

Article 13

Les privilèges, immunités et facilités sont accordés aux membres de la Haute Autorité et aux fonctionnaires des institutions de la Communauté exclusivement dans l’intérêt de cette dernière.

Le président de la Haute Autorité est tenu de lever l’immunité accordée à un fonctionnaire dans tous les cas où il estime que la levée de cette immunité n’est pas contraire aux intérêts de la Communauté.

CHAPITRE VI
DISPOSITIONS GÉNÉRALES

Article 14

La Haute Autorité peut conclure avec un ou plusieurs États membres des accords complémentaires aménageant les dispositions du présent Protocole.

Article 15

Les privilèges, immunités et facilités accordées aux juges, greffier et personnel de la Cour sont réglés par son statut.
Article 16

Toute contestation portant sur l'interprétation ou l'application du présent Protocole sera soumise à la Cour.

Fait à Paris, le dix-huit avril mil neuf cent cinquante et un.


« D'autre part, le Conseil a réglé à cette occasion la position des missions que certains États non membres de la Communauté ont accréditées auprès de la Haute Autorité. Le statut de ces missions n'avait pas été envisagé lors de la signature du Traité et de ses actes annexes. En résultat des délibérations du Conseil, la plénitude des privilèges diplomatiques est accordée à ces missions, ainsi qu'à leur personnel, à l'instar du statut accordé aux délégations permanentes auprès d'un grand nombre d'organisation internationales.

« Pour l'application pratique de ces privilèges additionnels, le Gouvernement grand-ducal, comme Gouvernement du siège, autorisé par les Gouvernements des États intéressés, a adopté le 7 août 1956 la « loi concernant l'octroi de certains privilèges à la C.E.C.A. et aux missions accréditées auprès de la Communauté ». [Pour ce texte, voir la première partie de ce volume, rubrique Luxembourg.]

« L'article 3 de cette loi prévoit que l'octroi des privilèges et immunités aux missions des États tiers accréditées auprès de la Communauté et à leurs membres est subordonné aux dispositions convenues entre le Gouvernement luxembourgeois et la Haute Autorité. Sur la base d'un échange de lettres avec le Gouvernement grand-ducal, il est assuré que dans l'application des privilèges accordés aux missions des États non membres accréditées auprès de la Haute Autorité la réciprocité sera observée en ce qui concerne le traitement accordé par ces États aux missions envoyées par la Haute Autorité. »

« La situation en matière de privilèges et immunités de la Délégation de la Haute Autorité accréditée auprès du Gouvernement du Royaume-Uni est réglée par l'European Coal and Steel Community Act 1955 qui est entré en vigueur le 29 octobre 1955 sur la base de l'European Coal and Steel Community Act (Commencement) Order, 1955. » [Pour ces textes, voir la première partie de ce volume, rubrique Royaume-Uni.]
18. PROTOCOLE SUR LE STATUT DE LA COUR DE JUSTICE DE LA COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L’ACIER. SIGNÉ À PARIS, LE 18 AVRIL 1951

PRIVILÈGES ET IMMUNITÉS

**Article 3**

Les juges jouissent de l’immunité de juridiction. En ce qui concerne les actes accomplis par eux, y compris leurs paroles et écrits, en leur qualité officielle, ils continuent à bénéficier de l’immunité après la cessation de leurs fonctions.

La Cour, siégeant en séance plénière, peut lever l’immunité.

Au cas où, l’immunité ayant été levée, une action pénale est engagée contre un juge, celui-ci n’est justiciable, dans chacun des États membres, que de l’instance compétente pour juger les magistrats appartenant à la plus haute juridiction nationale.

Les juges, quelle que soit leur nationalité, bénéficient, en outre, sur le territoire de chacun des États membres des privilèges énumérés aux alinéas **b**, **c**, et **d** de l’article 11 du Protocole sur les privilèges et immunités de la Communauté.


La Haute Autorité de la Communauté européenne du charbon et de l’acier

et

les Gouvernements

de la République Fédérale d’Allemagne,
de la Belgique,
de la République française,
de la République italienne,
der Grand-Duché de Luxembourg,
du Royaume des Pays-Bas,

Vu les articles 6 et 14 du Protocole sur les privilèges et immunités annexés au Traité instituant la Communauté européenne du charbon et de l’acier,

Considérant qu’il apparaît nécessaire d’aménager les dispositions du Protocole visé ci-dessus concernant les laissez-passer à délivrer par le Président de la Haute Autorité,

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2 Entré en vigueur le 25 septembre 1953, conformément à l’article 7.
Sont convenus de ce qui suit :

**Article 1er**
Les laissez-passer visés à l'article 6 du Protocole sur les privilèges et immunités annexé au Traité instituant la Communauté européenne du charbon et de l'acier, sont délivrés aux personnes désignées à cet article, ainsi qu'aux juges, avocats généraux et au greffier de la Cour de Justice.
La liste des catégories de bénéficiaires est annexée au présent Accord.

**Article 2**
Le laissez-passer, dont le modèle est annexé au présent Accord, est reconnu et accepté par les PARTIES CONTRACTANTES comme titre valable de voyage tenant lieu de passeport pour les déplacements sur le territoire des États membres de la Communauté.

**Article 3**
Les titulaires de laissez-passer sont dispensés de l'obligation du visa pour les déplacements entre les seuls États membres.

**Article 4**
Indépendamment de la liberté d'entrée, de circulation et de sortie les titulaires de laissez-passer jouissent sur le territoire des États membres des privilèges et immunités prévus au Traité instituant la Communauté européenne du charbon et de l'acier et aux Protocoles y annexés.

**Article 5**
Sans préjudice des dispositions des articles 7 et 10 du Protocole sur les privilèges et immunités, la gratuité et toutes facilités de délivrance des visas seront accordées aux membres du Comité consultatif, aux experts et autres personnes qui, sans être munis d'un laissez-passer délivré par le Président de la Haute Autorité, seront porteurs en sus de leur passeport national d'un certificat attestant qu'ils voyagent pour le compte d'une Institution de la Communauté, certificat délivré pour la durée de chaque mission par l'autorité compétente de chaque Institution.

**Article 6**
Le Président de la Haute Autorité communiquera aux États membres la liste nominative des bénéficiaires de ces laissez-passer et les tiendra régulièrement informés des changements qui pourraient intervenir. En cas de perte ou de destruction d'un laissez-passer le Président de la Haute Autorité en avisera immédiatement les États membres.

**Article 7**

**Article 8**
D'autres États peuvent adhérer au présent Accord moyennant dépôt à la Haute Autorité d'un instrument d'adhésion. Le Président de la Haute Autorité en informera les PARTIES CONTRACTANTES.
ANNEXE

LISTE DES CATÉGORIES DE BÉNÉFICIAIRES DU LAISSEZ-PASSER PRÉVU À L’ARTICLE 6 DU PROTOCOLE SUR LES PRIVILÈGES ET IMMUNITÉS. ANNEXE AU TRAÎTÉ INSTITUANT LA COMMUNAUTÉ EUROPÉENNE DU CHARBON ET DE L’ACIER

1. Les membres de la Haute Autorité.
2. Les juges, avocats généraux et le greffier près la Cour.
3. A titre provisoire et jusqu’à la fixation du Statut, les fonctionnaires des Institutions de la Communauté avec un traitement de base égal ou supérieur à 7.200 U.E.P.

20. CONVENTION* ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET LA COMMISSION DU PACIFIQUE SUD SUR LES PRIVILÈGES ET IMMUNITÉS DE CELLE-CI. SIGNÉE LE 20 FÉVRIER 1953

Entre le Gouvernement français représenté par M. Angammare, Gouverneur de la Nouvelle-Calédonie et dépendances, et la Commission du Pacifique sud représentée par son Secrétaire général, sir Brian Freeston, il a été convenu ce qui suit:

TITRE Iᵉʳ — CAPACITÉ

Article 1
La Commission du Pacifique sud (désignée ci-après par la Commission), a la capacité de contracter, d’acquérir et d’aliéner des biens immobiliers et mobiliers et d’ester en justice.
Le Secrétaire général de la Commission est, au nom de celle-ci, habilité à prendre les mesures nécessaires à cet effet pour autant qu’il y aura été autorisé par la Commission.

Article 2
Le Secrétaire général collabore en tout temps avec les autorités françaises. Il se prête à toute action nécessaire à la bonne administration de la justice, à l’exacte observation des règlements de police et évite tout usage abusif des privilèges, immunités, exemptions et facilités énumérés dans le présent accord.

TITRE II. — AVOIRS, REVENUS ET AUTRES BIENS

Article 3
La Commission, ses biens et avoirs jouissent de l’immunité de juridiction sauf si elle renonce expressément à cette immunité par contrat ou autrement.
Aucune levée d’immunité ne pourra couvrir des mesures de saisie ou de séquestre de biens.

* Le texte de cette Convention a été fourni par la Commission du Pacifique sud.

² Approuvée par la loi n° 57297 du 11 mars 1957 (Journal officiel de la République française, 14 mars 1957).
Article 4

Les locaux de la Commission sont inviolables. Ses biens, meubles et immeubles sont exempts de perquisition, réquisition, confiscation, expropriation ou de toute autre forme de contrainte administrative ou judiciaire, à condition que la Commission ne permette pas que ses locaux puissent servir ou servent de refuge à une personne contre laquelle des poursuites judiciaires auraient été entamées par les autorités françaises.

Article 5

Les archives de la Commission et, d'une manière générale, tous les documents lui appartenant ou détenus par elle sont inviolables.

Article 6

Sous réserve de tout règlement par lequel le Gouvernement français pourra contrôler le transfert de fonds, d’or ou de devises pour tout territoire sous sa juridiction :

a) La Commission pourra détenir des devises de tous genres et avoir des comptes en toutes monnaies.

b) La Commission pourra effectuer librement le transfert de ses fonds à l’extérieur des territoires français et convertir toutes devises en sa possession en devises d’un autre pays membre.

c) En exerçant ses droits aux termes des paragraphes a et b ci-dessus, la Commission tiendra compte des représentations faites par le Gouvernement français et donnera suite à ces représentations pour autant qu’elle estimerait pouvoir le faire sans porter préjudice aux intérêts de la Commission.

Article 7

La Commission, ses avoirs, revenus et autres biens sont exonérés :

a) De tout impôt direct ; toutefois la Commission ne demandera pas d’exonération d’impôts qui ne seraient que la rémunération de services d’utilité publique ;

b) De tous droits de douane, prohibitions et restrictions d’importation et d’exportation à l’égard des articles nécessaires à son usage officiel, les articles ainsi importés ne seront pas vendus dans le pays où ils ont été importés et ne seront pas non plus cédés à titre gratuit, sauf dérogations approuvées par le Gouvernement français ;

c) De tous droits de douane, prohibitions et restrictions d’importation et d’exportation à l’égard de ses publications.

Article 8

La Commission ne doit pas demander l’exemption des impôts sur les biens meubles et immeubles, qui sont parties du prix à payer.

Titre III. — Communications

Article 9

La Commission bénéficiera, pour sa correspondance officielle, d’un traitement au moins aussi favorable que le traitement accordé par le Gouvernement français aux représentations diplomatiques accréditées auprès de lui en ce qui concerne les affranchissements, tarifs et taxes postaux, télégraphiques et téléphoniques, les priorités de correspondance, l’emploi de sacs postaux et de courriers.
TITRE IV. — IMMUNITÉS ET PRIVÉLÈGES DES COMMISSAIRES

Article 10
Dans l’exercice de leurs fonctions et durant leurs déplacements pour se rendre au lieu de réunion et en revenir, les Commissaires jouiront des privilèges et immunités ci-après :

a) Ils ne pourront être arrêtés ou détenus, leurs bagages personnels ne pourront être saisis et ils jouiront de l’immunité de juridiction quant à leurs paroles, leurs écrits et tous actes accomplis en leur qualité officielle ;

b) Leurs documents et archives seront inviolables ;

c) Ils auront le droit d’utiliser les codes et de recevoir des documents ou correspondance par courriers ou en sacs cachetés ;

d) Ils jouiront pour eux-mêmes et leur conjoint de l’exemption des restrictions sur l’immigration, de l’inscription des étrangers et des obligations de service national dans les territoires français qu’ils visitent ou qu’ils traversent dans l’exercice de leurs fonctions ;

e) Il leur sera accordé les mêmes facilités qu’aux représentants des Gouvernements étrangers en mission officielle temporaire à l’égard des restrictions sur les devises et le change ;

f) Il leur sera accordé les mêmes mesures de courtoisie qu’aux membres des missions diplomatiques de rang égal en ce qui concerne leurs bagages personnels et la franchise du transport de mobilier dans les territoires français ;

g) Lorsque la résidence entraîne le paiement d’impôts de quelque nature que ce soit, les périodes pendant lesquelles les Commissaires à l’organisme principal et aux organismes auxiliaires de la Commission et aux conférences réunies par la Commission sont présents dans un territoire français pour l’accomplissement de leurs fonctions ne seront pas considérées comme période de résidence.

Article 11
Afin d’assurer aux Commissaires une entière liberté de paroles et une indépendance complète dans l’exercice de leurs fonctions, l’immunité de juridiction s’appliquant à leurs paroles, à leurs écrits et à tous leurs actes accomplis dans l’exercice de leurs fonctions continuera à leur être accordée, même après qu’ils aient cessé d’exercer ces fonctions.

Article 12
Les privilèges et immunités sont accordés aux Commissaires, non pour leur bénéfice personnel, mais afin de sauvegarder le libre exercice de leurs fonctions vis-à-vis de la Commission. En conséquence, le Gouvernement français aura non seulement le droit, mais aussi le devoir de lever l’immunité de ses Commissaires dans tous les cas où, de l’avis de ce Gouvernement, cette immunité empêcherait que justice fut faite et où cette immunité pourra être levée sans porter préjudice aux fins pour lesquelles elle a été accordée.

Article 13

a) Les dispositions des articles 10, 11 et 12 ne sont pas applicables aux ressortissants français.

b) Dans les articles 10, 11 et 12 ci-dessus, le terme « Commissaires » sera tenu comme comprenant tous les commissaires et suppléants ainsi que les
conseillers, experts techniques et secrétaires de délégation, membres du Conseil de recherche (à l’exception des membres permanents), qui jouiront pour l’exercice de leurs fonctions et pour leurs déplacements des mêmes privilèges et immunités qui sont accordés aux Commissaires.

TITRE V. — PERSONNALITÉS OFFICIELLES DE LA COMMISSION

Article 14
Outre les privilèges et immunités énumérés à l’article 16 ci-dessous, le Secrétaire général, le Vice-Président du Conseil de recherche et le Secrétaire général adjoint jouiront pour eux-mêmes, leur conjoint et leurs enfants mineurs, des privilèges et immunités, exemptions et facilités accordés aux envoyés diplomatiques en application du Droit International.

Article 15
Le Gouvernement français et la Commission détermineront d’un commun accord quels sont les postes de la Commission dont les titulaires auront la qualité de personnalité officielle de la Commission.
Les titulaires, dont les noms devront être communiqués régulièrement au Gouvernement français par le Secrétaire général, bénéficieront des dispositions de l’article 16 ci-dessous.

Article 16
Les personnalités officielles de la Commission :

a) Jouiront de l’immunité de juridiction quant à leurs paroles, à leurs écrits et à tous les actes accomplis par eux en leur qualité officielle et dans les limites de leurs attributions;

b) Seront exemptes d’impôts sur les salaires et émoluments, à moins que les États membres ne conviennent d’un système suivant lequel les salaires et émoluments en question seraient imposés par l’Organisation elle-même et sous réserve de la possibilité, pour le Gouvernement français, de taxer ses propres ressortissants;

c) Ne seront pas soumises, non plus que leur conjoint et leur famille à charge, aux restrictions d’immigration et aux formalités d’enregistrement des étrangers;

d) Jouiront, en ce qui concerne les facilités de change, des mêmes privilèges que les personnalités de rang égal faisant partie de missions diplomatiques auprès du Gouvernement français;

e) Auront droit, ainsi que leur conjoint et leur famille à charge, aux mêmes facilités de rapatriement que les envoyés diplomatiques en temps de crise internationale;

f) Auront droit, au moment de leur entrée en fonction, d’importer leur mobilier et leurs effets personnels sans payer de droits de douane dans le territoire français où, du fait de leurs fonctions, ils auront leur domicile.

Article 17
Les privilèges et immunités sont accordés aux personnalités officielles dans l’intérêt de la Commission et non pour leur bénéfice personnel. La Commission aura le droit et le devoir de lever, à la majorité des membres présents, l’immunité d’une personnalité officielle dans tous les cas où, à son avis, cette immunité entraverait le cours de la justice.
La Commission aura le droit de lever, dans les mêmes conditions, l’immunité du Secrétaire général.

Titre VI. — Cartes de service

Article 18

La Commission pourra délivrer des cartes de service à ses fonctionnaires. La carte de service, libellée en langues française, anglaise et néerlandaise, accompagnée d’un passeport valide, sera reconnue et acceptée par les autorités du Gouvernement français comme un document d’identification et de recommandation.

Les demandes de visa, si elles sont nécessaires, présentées par des détenteurs de carte de service de la Commission et accompagnées d’un certificat attestant qu’ils se déplacent pour le service de la Commission, seront satisfaits le plus rapidement possible. En outre, toutes les facilités seront accordées aux intéressés pour qu’ils puissent voyager rapidement.

Le Secrétaire général de la Commission portera à la connaissance du Gouvernement français le nom et le signalement des personnes auxquelles auront été délivrées des cartes de service.

Titre VII. — Abus de privilèges

Article 19

Si le Gouvernement français estime qu’il a été commis par la Commission ou par une personne qui en fait partie ou qui en dépend un abus de privilège ou d’une immunité conférée par cette Convention, le Gouvernement français et les autres Gouvernements membres conféreront afin de déterminer s’il a été commis un abus et, dans l’affirmative, prendront les mesures propres à en prévenir la répétition. Dans le cas où le résultat de ces consultations ne satisferait pas l’un quelconque des Gouvernements intéressés, la question de savoir si un abus de privilège a été commis sera soumise au Président de la Cour internationale de justice, selon les dispositions de l’article 21.

Dans le cas où le Président déciderait qu’il y a eu abus, le Gouvernement français aura le droit, après notification à la Commission, de retirer à celle-ci le bénéfice du privilège ou de l’immunité dont il aura été fait un usage abusif, afin de prévenir la répétition de l’abus.

Le Secrétaire général de la Commission, dans l’exercice de ses fonctions et au cours de ses déplacements dans la région où la Commission exerce son activité et les personnalités officielles entrant dans le cadre de l’Article 15 ne pourront être obligés par les Autorités territoriales de quitter le pays dans lequel ils exercent leurs fonctions en raison d’actes commis par eux en leurs qualités officielles et dans la limite de leurs attributions.

Toutefois, dans le cas où une telle personnalité exerçant une activité dans ce pays abuserait de ses privilèges de résidence, elle pourra être priée de partir par le Gouvernement français.

a) Le Secrétaire général de la Commission ne pourra être obligé de quitter le territoire que conformément à la procédure diplomatique applicable aux envoyés diplomatiques accrédités en France.

b) Lorsqu’un ordre d’avoir à quitter le territoire aura été délivré contre une personnalité officielle, le Secrétaire général de la Commission en sera informé. Il pourra, par l’intermédiaire du Commissaire du Gouvernement français, adresser au Ministère des affaires étrangères de la République...
française toutes informations qui lui paraîtraient de nature à justifier, le cas échéant, la révision de la décision intervenue.

**Titre VIII. — Mesures de précaution**

*Article 20*

Le Gouvernement français pourra prendre sur les territoires relevant de son autorité toutes mesures de précautions indispensables à la sécurité nationale, au maintien de l'ordre public, à la prévention et à la répression de toute infraction ou de toutes activités hostiles ou inamicales, étant entendu que de telles mesures ne porteront pas atteinte à l'indépendance de la Commission.

**Titre IX. — Dispositions finales**

*Article 21*

Tout différend sur l'interprétation ou l'application de la présente Convention qui ne pourrait être réglé d'un commun accord sera soumis à un arbitre unique choisi par les Gouvernements membres de la Convention, ou dans le cas où ceux-ci ne pourraient se mettre d'accord à cet effet, par le Président de la Cour internationale de justice, dont l'avis sera accepté comme décisif.

*Article 22*

La ratification de la présente Convention par le Gouvernement français sera effectuée par le dépôt au Ministère des affaires étrangères de la République française d'un instrument de ratification.

*Article 23*

Le Ministère des affaires étrangères de la République française informera la Commission du dépôt de l'instrument de ratification.

*Article 24*

La présente Convention entrera en vigueur dès que l'instrument de ratification aura été déposé conformément à l'article 22.

Elle pourra être dénoncée par l'une et l'autre partie et cesserà en ce cas d'avoir effet six mois après cette dénonciation.

*Article 25*

Le Gouvernement et la Commission pourront, après s'être concertés entre eux, conclure des accords complémentaires modifiant les dispositions de cette Convention.

*Article 26*

Les privilèges et immunités énumérés dans la présente Convention seront accordés dans les territoires français situés à l'intérieur des limites de la compétence territoriale de la Commission, ainsi que dans le territoire métropolitain français. Ils pourront, au gré du Gouvernement français, être accordés pour les territoires non métropolitains, dépendants, associés ou sous tutelle, situés hors des limites de la compétence de la Commission.
Whereas Article 14 of the Pact of the League of Arab States provides that the Members of the League's Council and its committees as well as its officials, specified in the "internal regulation" thereof, shall enjoy diplomatic privileges and immunities in the exercise of their functions.

And that further, the premises occupied by the organs of the League shall be inviolable; therefore it has become indispensable to specify these kinds of privileges and immunities, referred to in the Pact and to define clearly the manner of their application in order to facilitate to the League the exercise of its functions in the territories of Member States on basis agreed upon.

Consequently, the Council of the League of Arab States, by a resolution adopted in its meeting held on May 10th, 1953, approved the following Convention and proposed it for accession be each of the Member States:

CHAPTER I

JURIDICAL PERSONALITY

Article 1

The League of Arab States shall possess juridical personality. It shall have the capacity:

(a) To acquire and dispose of immovable and movable property;
(b) To contract;
(c) To institute legal proceedings.

1 Text of Convention provided by the League of Arab States.
2 A. The instruments of accession were deposited with the Secretariat General by:

The Hashemite Kingdom of Jordan on the 12.12.1953
The Republic of Egypt on the 8. 3.1954
The Kingdom of Saudi Arabia on the 5. 4.1954
The Kingdom of Iraq on the 20. 2.1955

B. Reservations:

THE REPUBLIC OF EGYPT:

First. — Non-acceptance of Egypt of the terms provided for in the first paragraph of Article 21, relating to the exemption of some officers of the Secretariat General from the obligations of national service. It will observe with the officers mentioned in the said paragraph exactly the provisions decided in the second paragraph of the said Article, i.e. it shall be contented with the postponement of the call to national service of those whom the exigencies of work warrant their maintenance in service.

Secondly. — Non-acceptance of provisions of Article 22, relating to the enjoyment by senior officials of the League of Arab States, together with their spouses and their minor children, of the privileges and immunities which are accorded by international practice, to diplomatic representatives.
CHAPTER II

PROPERTY, FUNDS AND ASSETS

Article 2

The League of Arab States, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, unless the Secretary-General decides to waive it expressly. It is however understood that no waiving of immunity shall extend to any measure of execution.

Article 3

The premises occupied by the League of Arab States shall be inviolable. Its property and assets, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, juridical or legislative action.

Article 4

The archives of the League of Arab States and in general, all documents belonging to it, or held by it, shall be inviolable.

Article 5

The League may:
(1) Hold funds, gold or currency of any kind and operate accounts in any currency;
(2) Be free to transfer its funds, gold or currency from one country to another, or within the country itself and to convert it to any currency. The League may not, in contravention of any regulations prevailing, transfer any amount of funds subjected to special restrictions, from one State, in excess of any amount it has brought into that State.

Article 6

In exercising its rights under Article 5 above, the League of Arab States shall pay due regard to any representations made by Member States, in so far as is considered that effect can be given to such representations, without detriment to the interests of the League.

Article 7

The League of Arab States, its movable or immovable property and its assets shall be:
(a) Exempt from all direct taxes, except for those which are no more than charges for public utility services.
(b) Exempt from customs duties, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the League, for its official use. Such articles, imported under such exemption, will not be sold in the country in which they were imported, except with the consent of the Government concerned.
(c) Exempt from customs duties, prohibitions and restrictions on imports and exports in respect of its publications.
CHAPTER III

FACILITIES IN RESPECT OF COMMUNICATIONS

Article 9

The League of Arab States shall enjoy, in the territory of each Member State, for its official communications, treatment not less favourable than that accorded by that State to the communications of any other Member State, including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephone and other communications and press rates for information to the press and radio. No censorship shall be applied to such official correspondence and other official communications.

Article 10

The League of Arab States may use codes and despatch its correspondence by couriers or bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

CHAPTER IV

THE REPRESENTATIVES OF MEMBERS

Article 11

Representatives of Member States to the principal and subsidiary organs of the League of Arab States and to conferences convened by the League shall, while exercising their functions and during the 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;
(b) Immunity from legal process of any kind in respect of words spoken or written and acts done by them in their capacity as representatives;
(c) Inviolability for all papers and documents.
(d) The right to use codes and to receive papers or correspondence by courier or in sealed bags.
(e) Exemption in respect of themselves and their spouses from immigration 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.
(f) The facilities accorded to the representatives of foreign States, delegated on temporary official missions in respect of laws relevant to currency and exchange.
(g) The same immunities and facilities, in respect of their personal baggage, as are accorded to diplomatic envoys.
(h) Such other immunities and facilities, not inconsistent with the foregoing, as diplomatic envoys, except that they shall have no right to claim exemption from custom and excise duties on articles imported other than their personal baggage.

Article 12

Representatives of Member States in the principal and subsidiary organs of the League of Arab States and in conferences convened by the League shall enjoy immunity from legal process in respect of words spoken or written,
in discharging their duties as representatives of their States in the organs of the League of Arab States, notwithstanding that the persons concerned are no longer the representatives of Member States.

Article 13

Periods spent by the representatives of Member States to the principal and subsidiary organs of the League of Arab States and to conferences convened by it, in one of the territories of a Member State, shall not be considered as periods of residence for the assessment of a tax, if the imposition of such a tax is consequent upon such period of residence.

Article 14

Privileges and immunities are accorded to the representatives of Member States, not for their personal benefit, but in order to safeguard the independent exercise of their functions in connection with the League. Consequently, Member States are under a duty to waive the immunity of its representatives in any case where the immunity would impede the course of justice and if it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 15

The provisions of Articles 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.

Article 16

The expression “representative” in this chapter shall be deemed to include all delegates of Member States, their deputies, advisers and technical experts and secretaries of delegations.

Article 17

Permanent State representatives shall enjoy, during the period of their representing their State in the organs of the League of Arab States, such privileges and immunities as are enjoyed by diplomatic envoys.

Article 18

The Secretary General shall notify Member States of the names of representatives of the States in the Council of the League, as well as their permanent delegates and members of permanent committees.

CHAPTER V

Officials

Article 19

The Council of the League of Arab States shall specify the categories of officials to which the provisions of Article 20 and the provisions of Chapter VII shall be applied, as submitted to it by the Secretary General, who will communicate to Member States periodically a list containing the names of such officials and their respective functions.

Article 20

(1) Officials of the Secretariat General of the League of Arab States shall, regardless of their nationality, enjoy 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 their salaries and emoluments paid or to be paid to them by the League.

(2) Furthermore, officials of the Secretariat General other than the nationals of the host country shall enjoy:

(a) Together with their spouses and relatives dependent on them, immunity from immigration restrictions and aliens' registration.

(b) Facilities as accorded to diplomatic envoys of their ranks, accredited with the Government concerned, in respect of the regulations relevant to exchange.

(c) Facilities as accorded to diplomatic envoys, in times of international crisis, as regards their repatriation.

(d) The right to import, free of duty, their furniture and effects, within a year from the time of first taking up their posts in the country in question.

Article 21

Officials of the Secretariat General shall be immune from the obligations of national service. As regards the nationals of each State, this immunity is restricted to those whose names appear in a list proposed by the Secretary General and approved by the Government concerned.

In the case of officials, other than those mentioned above, these, when called upon for national service, it is incumbent upon the Government concerned, at the request of the Secretary General, to postpone, as long as possible, their undergoing national service, if the exigencies of their work necessitate their exemption, to avoid serious interruption of the work entrusted to them.

Article 22

Further to the privileges and immunities provided for by the two preceding articles, the Secretary General, Assistant Secretaries General and senior officials, together with their spouses and their minor children, shall enjoy privileges and immunities, which are accorded, in accordance with international law, to diplomatic envoys, each according to his rank.

Article 23

Privileges and immunities are accorded to officials to safeguard the interests of the League. The Secretary General has the right and is under the duty to waive the immunity of officials of the Secretariat General, not specified in the foregoing article, in any case where, in his opinion, the immunity would impede the administration of justice and can be waived without prejudice to the interests of the League. As to officials provided for in that article, the immunity is not to be waived except by approval of the Council.

Article 24

The League shall co-operate, at all times, with the appropriate authorities of Member States, to ensure the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse, in connection with the privileges and immunities mentioned in this chapter.
CHAPTER VI

EXPERTS

Article 25

Experts (other than officials coming within the scope of Chapter V) performing missions for the League of Arab States shall be accorded, in execution of a resolution to be adopted by its Council, such privileges and immunities, necessary for the fulfilment of that mission, more especially:

1. Immunity from personal arrest or detention and from seizure of their personal baggage.

2. Immunity from legal process, even after the termination of their mission, in respect of words spoken or written and acts done by them in the course of the performance of their mission.

3. Inviolability for all papers and documents.

4. For the purpose of their communications with the States of the Arab League, the right to use codes and to receive papers or correspondence by courier or sealed bags.

5. The same facilities in respect of currency or exchange restrictions, as are accorded to representatives of foreign States on temporary official missions.

6. The same immunities and facilities in respect of their personal baggages as are accorded to diplomatic envoys.

7. Immunity, together with their spouses and minor children, from immigration restrictions and alien registration and the obligation concerning national service.

Article 26

Privileges and immunities are granted to experts in the interest of the League. The Secretary General shall have the right and the duty to waive the immunity 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 League.

CHAPTER VII

LAISSEZ-PASSER

Article 27

The Secretariat General of the League of Arab States may issue laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by Member States, taking into account the provisions of the two succeeding articles.

Article 28

Visas are accorded to holders of laissez-passer at the request of the Secretariat General, in which it is stated that they are officials, travelling on official business of the Secretariat General.

Article 29

The grant of visas shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.
Article 30
Similar facilities to those specified in Article 29 shall be accorded to experts and officials, who, though not holders of League laissez-passer, have a certificate that they are travelling on the business of the League.

CHAPTER VIII
SETTLEMENTS OF DISPUTES

Article 31
The League of Arab States shall establish an organ for settling:
(a) Disputes arising out of contracts, or other disputes of a private law character, to which the League is a party.
(b) Disputes involving any official of the League, who, by reason of his official capacity, enjoys immunity, when immunity has not been waived in his case.

FINAL ARTICLES

Article 32
No provisions in this Convention shall affect the authority of a Member State to take such measures as are deemed appropriate for the safety of its territory or the establishment of security and maintenance of public order. Any State deeming necessary the taking of such steps shall hasten to contact the Secretariat General, as circumstances will permit, in order to agree upon the measures warranting the safeguarding of the interests of the League.

Article 33
Any dispute arising out of the interpretation or application of this Convention should be submitted to the Arab Court of Justice, unless both parties agree otherwise.

Article 34
The Council of the League of Arab States shall submit this Convention to Member States of the League for accession thereto.

Article 35
This Convention shall become binding on the respective States as from the date of the deposit of the instruments of accession by that State with the Secretariat General. The Secretary General shall inform all Member States of the League of the deposit of each accession.

Article 36
The accession of any Member State to this Convention means that it has accomplished the constitutional processes to render this Agreement part of its internal legislation.

Article 37
This Convention shall remain binding on each acceding State, as long as it remains a Member State of the League.

Article 38
The League of Arab States may conclude supplementary agreements for proper application of the provisions of this Convention, within the territories of Member States.
22. AGREEMENT ON THE STATUS OF WESTERN EUROPEAN UNION, NATIONAL REPRESENTATIVES AND INTERNATIONAL STAFF. SIGNED AT PARIS ON 11 MAY, 1955.

The States signatory to the present Agreement,

Considering that Western European Union, its international staff and the representatives of Member States attending meetings thereof should have a status appropriate to the exercise of their functions and the fulfilment of their purposes,

Have agreed as follows:

PART I. GENERAL

Article 1

In the present Agreement,

(a) "The Organisation" means Western European Union comprising the Council, its subsidiary bodies and the Assembly;

(b) "The Council" means the Council established under Article VIII (formerly Article VII) of the Brussels Treaty as modified and completed by the Protocols signed in Paris on 23rd October, 1954;

(c) "Subsidiary bodies" means any organ, committee or service established by the Council or placed under its authority;

(d) "The Assembly" means the Assembly established under Article IX of the Brussels Treaty as modified and completed by the Protocols signed in Paris on 23rd October, 1954.

Article 2

The Organisation and Member States shall co-operate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the immunities and privileges set out in the present Agreement. If any Member State considers that there has been an abuse of any immunity or privilege conferred by this Agreement, consultations shall be held between the Organisation and the State or States concerned, to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. Notwithstanding the foregoing or any other provisions of this Agreement, a Member State which considers that any person has abused his privilege of residence or any other privilege or immunity granted to him under this Agreement may require him to leave its territory.

PART II. THE ORGANISATION

Article 3

The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.
Article 4

The Organisation, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Secretary-General, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

Article 5

The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference.

Article 6

The Archives of the Organisation and all documents belonging to it or held by it shall be inviolable, wherever located.

Article 7

1. Without being restricted by financial controls, regulations or moratoria of any kind,
   (a) The Organisation may hold currency of any kind and operate accounts in any currency;
   (b) The Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase, as the case may be.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State, and shall give effect to such representations in so far as it is practicable to do so.

Article 8

The Organisation, its assets, income and other property shall be exempt:
   (a) From all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;
   (b) From all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;
   (c) From all customs duties and quantitative restrictions on imports and exports in respect of its publications.

Article 9

While the Organisation 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 Organisation
Article 10

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes, and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council acting on behalf of the Organisation.

PART III. PERMANENT REPRESENTATIVES TO THE ORGANISATION

Article 11

Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State, and such members of his official staff resident in that territory as may be agreed between the State which has designated them and the Secretary-General of the Organisation and between the Secretary-General and the State in which they will be resident, shall enjoy the immunities and privileges accorded to diplomatic representatives and their official staff of comparable rank.

PART IV. REPRESENTATIVES TO THE COUNCIL AND ITS SUBSIDIARY BODIES

Article 12

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 11 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

(a) The same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;

(b) In respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;

(c) Inviolability for all papers and documents;

(d) The right to use codes and to receive and send papers or correspondence by courier or in sealed bags;

(e) The same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;

(f) The same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

(g) The same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;
(h) The right to import free of duty his furniture and effects at the time of first arrival to take up his post in the country in question and, on the termination of his functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(i) The right to import temporarily free of duty his private motor vehicle for his own personal use and subsequently to re-export such vehicle free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

2. Where the legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation by that Member State on his official salary and emoluments during such periods of duty.

3. In this Article “representative” shall be deemed to include all representatives, advisers and technical experts of delegations. Each Member State shall communicate to the other Member States concerned, if they so request, the names of its representatives to whom this Article applies and the probable duration of their stay in the territories of such other Member States.

Article 13

Official clerical staff accompanying a representative of a Member State who are not covered by Articles 11 or 12 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1 (b), (c), (e), (f), (h) and (i) and paragraph 2 of Article 12.

Article 14

Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connexion with Western European Union. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.

Article 15

The provisions of Articles 11 to 13 above shall not require any Member State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

PART V. REPRESENTATIVES TO THE ASSEMBLY

Article 16

No administrative or other restriction shall be imposed on the free movement to and from the place of meeting of representatives to the Assembly and their substitutes.
Representatives and their substitutes shall, in the matter of customs and exchange control, be accorded:

(a) By their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;

(b) By the Governments of other Members, the same facilities as those accorded to representatives of foreign Governments on temporary official duty.

Article 17

Representatives to the Assembly and their substitutes shall be immune from all official interrogation and from arrest and all legal proceedings in respect of words spoken or votes cast by them in the exercise of their functions.

Article 18

During the sessions of the Assembly, and while attending meetings of Committees and Sub-Committees of the Assembly, whether or not the Assembly itself is in session, the representatives to the Assembly and their substitutes, whether they be Members of Parliament or not, shall enjoy:

(a) On their national territory, the immunities accorded in those countries to Members of Parliament;

(b) On the territory of all other Member States, exemption from arrest and prosecution.

This immunity also applies when they are travelling to and from the place of meeting of the Assembly or its Committees or Sub-Committees. It does not, however, apply when representatives and their substitutes are found committing, attempting to commit, or just having committed an offence, nor in cases where the Assembly has waived the immunity.

Part VI. International Staff and Experts on Missions for the Organisation

Article 19

The Council shall specify the categories of officials to which Articles 20 and 21 shall apply. The Secretary-General shall communicate to the Members of the Council the names of the officials included in these categories.

Article 20

Officials of the Organisation specified under Article 19 shall:

(a) Be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;

(b) Be granted, together with their spouses and members of their immediate families residing with and dependent on them, the same immunities from immigration restrictions and aliens' registration as is accorded to diplomatic personnel of comparable rank;

(c) Be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

(d) Be given, together with their spouses and members of their immediate families residing with and dependent on them, the same repatriation facilities
in time of international crisis as are accorded to diplomatic personnel of comparable rank;

(e) Have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(f) Have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty subject in either case to such conditions as the Government of the country concerned may deem necessary.

Article 21

Officials of the Organisation specified under Article 19 shall be subject to taxation by the Organisation, for its own benefit, on the emoluments paid to them in their capacity as such officials, to such extent and in accordance with such procedure as the Council may decide. They shall be exempt from national taxation on the said emoluments.

Article 22

In addition to the immunities and privileges specified in Articles 20 and 21, the Secretary-General, the Deputy Secretaries-General, the Director of the Armaments Control Agency and such other permanent officials of similar rank as may be specified by the Council shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank, including the same exemption or relief from taxes other than income tax.

Article 23

1. Experts (other than officials coming within the scope of Articles 20 to 22) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions while present in the territory of a Member State for the discharge of their duties:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage;

(b) In respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;

(c) The same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) Inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

2. The Secretary-General shall communicate to the Member States concerned the names of any experts to whom this Article applies.

Article 24

Privileges and immunities are granted to officials and experts in the interests of the Organisation and not for the personal benefit of the individuals
themselves. The Secretary-General acting on behalf of the Organisation shall have the right and the duty to waive the immunity of any official or expert, other than officials coming within the scope of Article 22, 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 Organisation. In the case of officials coming within the scope of Article 22, the decision to waive immunity shall rest within the Council.

Article 25

The provisions of Articles 20, 22 and 23 above shall not require any Member State to grant any of the privileges or immunities referred to therein to any person who is its national, except:

(a) Immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organisation;
(b) Inviolability for all papers and documents relating to the work on which he is engaged for the Organisation;
(c) Facilities in respect of currency or exchange restrictions so far as is necessary for the effective exercise of his functions.

PART VII. SETTLEMENT OF DISPUTES

Article 26

The Council shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;
(b) Disputes involving any official or expert of the Organisation to whom Part VI of this Agreement applies, who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 24.

PART VIII. SUPPLEMENTARY AGREEMENTS

Article 27

The Council acting on behalf of the Organisation may conclude with any Member State or States supplementary agreements adjusting the provisions of the present Agreement, so far as that State or those States are concerned.

PART IX. FINAL PROVISIONS

Article 28

1. The present Agreement shall be subject to ratification. Instruments of ratification shall be deposited with the Government of Belgium, which will notify all signatory States of each such deposit.
2. As soon as three signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States, with effect from the date of entry into force of the Protocols to the Brussels Treaty signed in Paris on 23rd October, 1954.1 It shall come into

1 6 May 1955.
force in respect of each other signatory State with effect from the same date, on the deposit of its instrument of ratification.\(^1\)

**Article 29**

The present Agreement may be denounced by any Contracting State by giving written notification of denunciation to the Government of Belgium, which will notify all signatory States of each such notification. The denunciation shall take effect one year after the receipt of the notification by the Government of Belgium.

In witness whereof the undersigned Plenipotentiaries have signed the present Agreement.

Done in Paris this eleventh day of May, 1955, in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the Archives of the Government of Belgium, which will transmit a certified copy to each of the signatory States.

For Belgium: For Luxembourg:
(L.S.) P.-H. SPAAK. (L.S.) JOS. BECH.

For France: For the Netherlands:
(L.S.) ANTOINE PINAY. (L.S.) J. W. BEYEN.

For the Republic Germany:
For the United Kingdom of Great Britain and Northern Ireland:
(L.S.) ADENAUER. (L.S.) HAROLD MACMILLAN.

For Italy:
(L.S.) G. MARTINO.

ANNEX

**DECLARATION BY THE GOVERNMENTS OF BELGIUM, LUXEMBOURG AND THE NETHERLANDS**

On the signing of the Agreement of to-day's date regarding the Status of Western European Union, National Representatives and International Staff, the Plenipotentiaries of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands make the following Declaration:

The nationals of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands may not avail themselves of the provisions of the present Agreement to claim in the territory of one of these aforementioned Powers any exemption which they do not enjoy in their own territory with respect to duties, taxes and other dues which have been or will be standardised by virtue of conventions which have been or will be

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\(^1\) Ratifications:

<table>
<thead>
<tr>
<th>Country</th>
<th>Date of deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>6 September 1955</td>
</tr>
<tr>
<td>Netherlands</td>
<td>2 February 1956</td>
</tr>
<tr>
<td>Belgium</td>
<td>19 July 1956</td>
</tr>
<tr>
<td>France</td>
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<tr>
<td>Federal Republic of Germany</td>
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<td>Italy</td>
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<tr>
<td>Luxembourg</td>
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</tbody>
</table>

**Note:** The Belgian and the Netherlands Governments included the declaration made on signature.
concluded for the purposes of bringing about the Economic Union of Belgium, Luxembourg and the Netherlands.

**DECLARATION BY THE GOVERNMENT OF ITALY**

*Letter from the Minister of Foreign Affairs to the Chairman of the Council of Western European Union*

*Paris, May 11, 1955*

Mr. Chairman,

At the time of signing the Agreement on the Status of Western European Union, National Representatives and International Staff, I have the honour to inform you that, according to the Italian Government's interpretation of Article 4, Part II, the immunity from every form of legal process provided for therein shall be granted to Western European Union in so far as such immunity is granted to foreign countries under international law.

In addition, according to the Italian Government's interpretation of Article 12, Part IV, the privileges, immunities, exemptions and other facilities referred to therein shall be granted to Italian officials subject to the restrictions applicable, under international law, to diplomats of Italian nationality.

Accept, Mr. Chairman, the assurance of my highest consideration,

(Signed) G. MARTINO

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23. **FINAL ACT OF THE FIRST CONFERENCE OF FOREIGN MINISTERS OF THE CENTRAL AMERICAN REPUBLICS HELD AT ANTIGUA, GUATEMALA, FROM 17 TO 24 AUGUST 1955**

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**XXIV**

**STATUTE OF THE CENTRAL AMERICAN OFFICE OF OCAS**

*Art. 1.* The Central American Office shall be the Secretariat of the Organization of Central American States (OCAS), whose seat shall be the City of San Salvador, capital of the Republic of El Salvador.

*Art. 7.* The Secretary-General and members of the Secretariat shall have the status of international officials or employees, according to category. Their responsibilities shall be not national, but exclusively international. By accepting appointment, they pledge themselves to discharge the functions entrusted to them and to regulate their conduct with the interests of OCAS only in view.

*Art. 18.* The Secretary-General shall enjoy diplomatic privileges and immunities and shall be accorded the highest rank in the diplomatic hierarchy.

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1 Text provided in Spanish by the Organization of Central American States. Translation by the Secretariat of the United Nations.
Officials of the Organization shall also enjoy diplomatic privileges and immunities. Their rank in the diplomatic hierarchy shall be such as the Secretary-General communicates to the Ministry of Foreign Affairs of the country in which the Central American Office has its seat.

Diplomatic privileges and immunities shall be extended to the families of the Secretary-General and officials of the Office under the conditions laid down in the Staff Regulations.

Art. 19. The Central American Office and its staff shall enjoy the privileges and immunities set forth in the United Nations Convention approved in London on 13 February 1946. These privileges and immunities are conferred in the interests of the Organization. They furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations.

24. CONVENTION ON THE ORGANIZATION AND JURIDICAL PERSONALITY OF THE INTERNATIONAL HYDROGRAPHIC BUREAU, 16 JUNE 1958

The Governments signatory to the present Convention, Being members of the International Hydrographic Bureau, Desiring to adopt certain provisions for the organization and juridical personality of the International Hydrographic Bureau (hereinafter called the "Bureau"), Have agreed as follows:

Article 1

The Bureau shall be administered and governed in accordance with the provisions of its Statutes, which shall be deemed an integral part of this Convention.

The authentic text of the Statutes shall be constituted by a copy in English and a copy in French of the current Statutes. Both copies shall be signed by the Directing Committee representing the States Members and deposited with the Government of the Principality of Monaco, wherein the seat of the Bureau is located.

Article 2

The Bureau shall possess juridical personality. It shall in particular have the capacity:

(a) To contract;
(b) To acquire and dispose of immovable and movable property;
(c) to institute legal proceedings.

1 Text of Convention provided by the International Hydrographic Bureau.
2 Signed by the following States: Argentina, Brazil, Chile, China (Taiwan), Greece, India, Italy, Pakistan, Portugal, Spain, Union of South Africa, United Arab Republic. Instruments of acceptance deposited by: India, Pakistan, Union of South Africa, United Arab Republic. No country has acceded to the Convention, which has not entered into force.
Article 4
The present Convention shall be open for signature by the States Members of the Bureau at the Legation of the Principality of Monaco in Paris. The instruments of acceptance shall be deposited thereat; the Government of the Principality of Monaco shall notify all States Members and the Bureau of the date of the deposit of each instrument.

Article 5
The present Convention shall enter into force thirty days after the date of deposit of the twenty-fifth instrument of acceptance. For each State depositing its instrument of acceptance at a later date, the Convention shall enter into force thirty days after the date of such deposit.

Article 6
Accession to the present Convention by any State becoming a member of the Bureau shall be effected by the deposit of an instrument of accession with the Government of the Principality of Monaco, which shall notify all States Members and the Bureau of such deposit. The present Convention shall enter into force for each acceding State thirty days after the date of deposit of its instrument of accession.

25. INTERNATIONAL WHEAT AGREEMENT, 1959

Article 22
(5) The Council shall have in the territory of each exporting and importing country, to the extent consistent with its laws, such legal capacity as may be necessary for the exercise of its functions under this Agreement.

Article 27
(1) The seat of the Council shall be London unless the Council decides otherwise by a majority of the votes cast by the exporting countries and a majority of the votes cast by the importing countries.

Article 32
(7) The Government of the country where the seat of the Council is situated shall grant exemption from taxation on the salaries paid by the Council to its employees except that such exemption need not apply to the nationals of that country.

2 See the Finance Act 1954 and the International Wheat Council (Immunities and Privileges) Order, 1959, in the first part of this volume, under the United Kingdom.
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  Austria: 6; Canada: 20-23; Finland: 24; Ghana: 28-30; Luxembourg: 35;
  New Zealand: 40-41; Thailand: 53; United Kingdom: 57; United States: 98
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  102, 112, 114-115, 155-180

UNIVERSAL POSTAL UNION
Legislative texts
  Austria: 6; Ghana: 31-33; Luxembourg: 35; New Zealand: 46; United
  Kingdom: 67-68
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INTERNATIONAL TELECOMMUNICATION UNION
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  Austria: 6; Ghana: 31-33; Luxembourg: 35; New Zealand: 42-43; United
  Kingdom: 64-67; United States: 98
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  102, 112, 118, 125, 126, 319-320, 322

WORLD METEOROLOGICAL ORGANIZATION
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  47-48; Thailand: 53; United Kingdom: 68; United States: 98
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INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

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  *Finland*: 24; *United Kingdom*: 81-84; *United States*: 98

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INTERNATIONAL ATOMIC ENERGY AGENCY

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  *Finland*: 24; *United States*: 98

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INTERNATIONAL REFUGEE ORGANIZATION

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  *Ghana*: 28-30; *Luxembourg*: 35

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  *Luxembourg*: 36

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367 (footnote 1)

SOUTH-EAST ASIA TREATY ORGANIZATION

367 (footnote 1)

UNION DOUANIÈRE NÉERLANDO-BELGO-LUXEMBOURGOISE

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  *Luxembourg*: 37

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  *Austria*: 17; *Luxembourg*: 37; *United Kingdom*: 59-60; *United States*: 98

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ORGANIZATION OF AMERICAN STATES
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EUROPEAN COAL AND STEEL COMMUNITY
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