

ARTICLES 104 AND 105

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ARTICLES 104 AND 105

TEXT OF ARTICLE 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

TEXT OF ARTICLE 105

1. 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.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

INTRODUCTORY NOTE

1. This *Supplement* maintains the general structure, format and headings used in earlier studies of the *Repertory* and *Supplements Nos. 1, 2, 3 and 4*. Where new material is lacking for the period under review this has been indicated by placing two asterisks next to the heading. New sections and headings have been inserted in part II, the Analytical Summary of Practice: II. C. 1. c. "Request made by the host State for the departure from its territory of a permanent representative to the United Nations"; and II. C. 2. a. "Privileges and immunities of observers of inter-governmental organizations and other organizations having received a standing invitation to participate in the sessions and work of the General Assembly".

I. GENERAL SURVEY

**A. Operation of Charter provisions

B. Implementation of Articles 104 and 105

1. BY GENERAL CONVENTION

2. Fifteen Member States became parties to the Convention on the Privileges and Immunities of the United Nations (referred to hereafter as the "General Convention") during the period 1 January 1970-31 December 1978. The accession of four of these members contained reservations regarding certain provisions of the General Convention (see annex). The total number of parties had reached one hundred and seventeen on 31 December 1978.

2. BY SPECIAL AGREEMENTS ON PRIVILEGES AND IMMUNITIES

3. Special agreements with members or non-member States acting as host countries to the United Nations or its organs have been (a) negotiated by the Secretary-General and approved by the General Assembly or (b) concluded by the Secretary-General in his capacity as the chief administrative officer of the Organization. Most of these agreements reproduced the provisions of Article 104 and paragraphs 1 and 2 of Article 105 in their preambles.

a. *With non-member States*

4. By an exchange of letters constituting an agreement between the United Nations and the Republic of Korea regarding the application by the Republic of Korea of the provisions of the Convention on the Privileges and Immunities of the United Nations,¹ the Republic of Korea undertook to apply to the United Nations and its organs, its property, funds and assets, and to its officials in the Republic of Korea, the provisions of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946.

b. *With Member States*

5. In connection with the convening of the second session of the United Nations Committee on Natural Resources, an agreement was concluded between the United Nations and Kenya at Geneva on 16 December 1971 and Nairobi on 23 December 1971² which provided for the application, with respect to the session, of the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies. The agreement enumerated officials of the United Nations performing functions in connection with the session, representatives of Member States and representatives of States not members of the United Nations, and

representatives of the specialized agencies and other inter-governmental organizations, who were to be covered by the relevant articles of the Conventions.

6. The agreement between the United Nations and Ethiopia regarding the arrangements for the meetings of the Security Council at Addis Ababa from 28 January to 4 February 1972 was concluded at New York on 22 January 1972.³ This agreement made applicable the Convention on the Privileges and Immunities of the United Nations to the meetings of the Security Council.

7. The agreement between the United Nations and Romania regarding the arrangements for the twenty-ninth session of the Economic Commission for Europe, to be held at Bucharest in April 1974,⁴ provided for the application of the Convention on the Privileges and Immunities of the United Nations.

8. A memorandum of understanding between the United Nations and Japan regarding arrangements for the fourth session of the United Nations Committee on Natural Resources to be held at Tokyo from 24 March to 4 April 1975 came into force on 13 February 1975.⁵ It provided that the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies to which Japan was a party would be applicable with respect to the session and to the participants therein.

9. The agreement between the United Nations and Japan regarding the headquarters of the United Nations University came into force on 22 June 1976,⁶ making applicable to the University the Convention on the Privileges and Immunities of the United Nations.

10. In agreements between the United Nations and Kenya⁷ and the United Nations and the Philippines⁸ concerning arrangements for the fourth and fifth sessions of UNCTAD, to be held at Nairobi and Manila respectively, the Convention on the Privileges and Immunities of the United Nations was made applicable with respect to both Conferences.

11. The Agreement between the United Nations and the Ivory Coast concerning arrangements for the first part of the sixty-first session of the Economic and Social Council, to be held at Abidjan from 30 June to 9 July 1976 came into force on 22 June 1976.⁹ The Convention on the Privileges and Immunities of the United Nations was made applicable with respect to the Council session.

12. The agreement between the United Nations and Austria regarding the arrangements for the fifteenth session of the United Nations Committee on the Elimination of Racial Discrimination to be held in Vienna from 28 March to 15 April 1977 came into force on 28 March 1977.¹⁰ Article XIII (1) of the Agreement provided that "the provisions relating to privileges and immunities in the agreement between the United Nations and the Republic of Austria regarding the Headquarters of the UNIDO shall be applicable with regard to the conference. The Convention on the Privileges and Immunities of the United Nations is hereby not affected."

13. Similar provisions were included in the agreement between the United Nations and Austria regarding the arrangement for the tenth session of the United Nations Commission on International Trade Law to be held at Vienna from 23 May to 17 June 1977¹¹ and the agreement between the United Nations and Austria regarding the arrangements for the twentieth session of the United Nations Committee on the Peaceful Uses of Outer Space to be held in Vienna, Austria, from 20 June to 1 July 1977.¹²

3. BY PROVISIONS ON PRIVILEGES AND IMMUNITIES CONTAINED IN OTHER AGREEMENTS CONCLUDED WITH MEMBER OR NON-MEMBER STATES BY UNITED NATIONS PRINCIPAL OR SUBSIDIARY ORGANS WITHIN THEIR COMPETENCE

14. The agreement between the United Nations, Peru and Sweden for the provision of the technical cadre unit of the Swedish stand-by force for United Nations service to assist in reconstruction of areas in Peru devastated as a result of the earthquake which occurred on 31 May 1970 came into force on 29 July 1970.¹³ This agreement contained provisions on privileges and immunities to be enjoyed by the members of the Unit.

15. The application of the General Convention to a number of institutes and centres was agreed upon by formal agreement or an exchange of notes. These included the establishment of a United Nations Information Centre in Bucharest, Romania, on 8 June 1970^{13A} and the establishment and operation of the United Nations Information Centre for Portugal, on 13 September 1978. This last agreement contained the following provision in article V, section 11:¹⁴

"The provisions of the General Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946 shall fully apply to the Centre, and the provisions of this Agreement shall be complementary to those of the General Convention. In so far as any provisions of this Agreement and any provision of the General Convention relate to the same subject matter, the two provisions shall, where possible, be treated as complementary, so that both provisions shall be applicable and neither shall restrict the effect of the other."

16. In other agreements relating to institutes, the General Convention is not applicable *per se*, but reference has been made to specific articles. Such a provision was used for example in the agreement between the United Nations and Cameroon establishing the Yaounde Demographic Institute, signed at Yaounde on 9 November 1971,¹⁵ the agreement between the United Nations and Egypt relating to the continuation and further extension of the Interregional Centre for Demographic Research and Training established at Cairo, signed on 22 June 1972,¹⁶ the agreement between the United Nations and Austria for the establishment of the European Centre for Social Welfare Training and Research, signed at New York on 24 July 1974,¹⁷ and the agreement between the United Nations and Costa Rica for the establishment of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders signed at New York on 11 July 1975.¹⁸

17. The United Nations continued to conclude a large number of agreements with Member States for the purpose of making arrangements for the holding of United Nations conferences, seminars or other meetings.¹⁹ These agreements generally provided that the General Convention shall be applicable to the meeting, conference, or seminar. The standard provision used reiterates that the privileges and immunities contained in articles V, VI and VII of the General Convention shall apply to officials and experts of the United Nations whereas officials and experts of the specialized agencies are covered by the respective articles of the Convention on Privileges and Immunities of the Specialized Agencies. All participants and all persons performing functions in connection with the conferences, seminars or meetings were to enjoy such privileges and immunities, facilities and courtesies as were necessary for the independent exercise of those functions

as well as the right of entry into and exit from the host country for non-nationals of that State. Those provisions were intended to cover representatives of the information media, representatives of non-governmental organizations and other persons invited to the conferences, seminars or meetings for whom no provision had been made in the General Convention.

18. Examples of such host agreements are the agreement between the United Nations and Venezuela regarding the arrangements for the second session of the Third United Nations Conference on the Law of the Sea, signed at Caracas on 23 May 1974;²⁰ the agreement between the United Nations and the Government of Mexico regarding the arrangements for the World Conference of the International Women's Year held at Mexico City, signed at Mexico City on 14 May 1975;²¹ the agreement between the United Nations and Austria regarding the arrangements for the United Nations Conference on Succession of States in respect of Treaties, signed at Geneva on 1 April 1977²² and the Agreement between the United Nations and the Federal Republic of Germany concerning the arrangements for the United Nations Conference on the Carriage of Goods by Sea, to be held at Hamburg from 6 to 31 March 1978, signed at Geneva on 28 February 1978.²³

19. Some host agreements, however, contained provisions on privileges and immunities which represented variations from the general practice outlined in paragraph 1 above, so as to adapt to or benefit from the legal circumstances peculiar to the particular State in which the conference was to be held. Thus, for the United Nations Conference on the Representatives of States in their Relations with International Organizations which was held in Vienna, Austria from 4 February to 14 March 1975,²⁴ the agreement between the United Nations and the Government of Austria provided in brief as follows:

"1. The provisions relating to privileges and immunities in the Agreement between the United Nations and the Republic of Austria regarding the headquarters of the UNIDO shall be applicable with regard to the Conference. The Convention on the Privileges and Immunities of the United Nations is hereby not affected.

"2. Representatives of States invited to attend the Conference, officials of the United Nations performing functions in connection with the Conference, experts on mission for the United Nations at the Conference and representatives of the specialized agencies, the International Atomic Energy Agency and other inter-governmental organizations invited to attend the Conference shall enjoy the same privileges and immunities as are accorded to representatives to meetings of the UNIDO and to officials of the UNIDO under the Agreement outlined in paragraph 1.

"3. Without prejudice to the provisions of paragraph 2 of this article, observers invited by the United Nations to attend the Conference shall enjoy immunity from legal process in respect of words spoken or written or any act performed by them in their official capacity in connection with the Conference.

"4. Personnel provided by the Government under article X of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Conference with the exception of those who are assigned to hourly rates. Such immunity shall, however, not apply in case of an accident caused by vehicle, vessel or aircraft.

"5. Without prejudice to the preceding paragraphs of this article, representatives of non-governmental organizations invited by the United Nations to the

Conference shall enjoy immunity from legal process in respect of words spoken or written or any act performed by them in the exercise of their functions in connection with the Conference.

"6. The Government shall ensure that no impediment is imposed on transit to and from the Conference of the following categories of persons invited by the United Nations to attend the Conference: representatives of Governments and their immediate families; officials and experts of the United Nations and their immediate families; observers of non-governmental organizations invited to the Conference and their immediate families; representatives of the press or radio, television, film or other information agencies accredited by the United Nations in its discretion after consultation with the Government and other persons officially invited to the Conference by the United Nations.

"7. All persons referred to in this article and all persons performing functions in connection with the Conference who are not nationals of Austria shall have the right of entry into and exit from Austria. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and, when applications are made at least two and a half weeks before the opening of the Conference, not later than two weeks before the date of the opening of the Conference. If the application for the visa is not made at least two and a half weeks before the opening of the Conference, the visa shall be granted not later than three days from the receipt of the application.

"8. During the Conference, including the preparatory and final stage of the Conference, the buildings and areas referred to in article I shall be deemed to constitute United Nations premises and access thereto shall be subject to the authority and control of the United Nations."

20. The agreements with Governments relating to the technical assistance sector of UNDP continued to be concluded in accordance with the respective model revised standard agreement, which contains an article on "facilities, privileges and immunities". The agreements concluded with Governments relating to the Special Fund sector of UNDP continued to follow the relevant model standard agreement which contains an article on "facilities, privileges and immunities".²⁵

21. The agreement on technical assistance of 29 May 1970 between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU, IMCO and Zambia contained similar provisions.^{25A}

22. The agreements concluded with Governments concerning operational assistance followed the model standard agreement containing provisions on privileges and immunities.²⁶

23. The agreements concerning the activities of the United Nations Children's Fund concluded with a number of Governments contained provisions on privileges and immunities in the Revised Model Agreement.^{26A}

24. The basic agreements between the United Nations and the Food and Agriculture Organization, between the United Nations and the Food and Agriculture Organization, on behalf of the World Food Program (WFP), and a number of governments contained provisions on facilities, privileges and immunities. Article V of the basic WFP agreement with the Government of Sao Tomé and Principe signed at Sao Tomé on 28 October 1977 and at Libreville on 4 November 1977 provided:²⁷

“Article V

“FACILITIES, PRIVILEGES AND IMMUNITIES

“1. The Government shall afford to officials and consultants of the World Food Programme and to other persons performing services on behalf of the Programme such facilities as are afforded to those of the United Nations and specialized agencies.

“2. The Government shall apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies to the World Food Programme, its property, funds and assets and to its officials and consultants.

“3. The Government shall be responsible for dealing with any claims which may be brought by third parties against the World Food Programme or against its officials or consultants or other persons, performing services on behalf of the World Food Programme under this Agreement and shall hold the World Food Programme and the above-mentioned persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government and the World Food Programme

that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.”

4. BY OTHER DECISIONS AND ACTIONS OF
UNITED NATIONS ORGANS

25. By resolution 2966 (XXVII) of 14 December 1972 the United Nations General Assembly decided to convene an international conference of plenipotentiaries to consider the question of the representation of States in their relations with international organizations and to embody the result of its work in an international convention and such other instruments as it might deem appropriate.²⁸ In response to an invitation by Austria, the General Assembly subsequently decided by resolution 3072 (XXVIII) that the conference would be held in Vienna early in 1975.²⁹ Further, in resolution 3247 (XXIX) the General Assembly decided to invite all States³⁰ and liberation movements recognized by the Organization of African Unity and/or by the League of Arab States in the respective regions to participate in the Conference as observers in accordance with the practice of the United Nations and requested the Secretary-General to take all necessary steps to give effect to General Assembly resolutions 3072 (XXVIII) and 3247 (XXIX).³¹

II. ANALYTICAL SUMMARY OF PRACTICE

**A. Article 104

**1. LEGAL CAPACITY OF THE ORGANIZATION IN THE
TERRITORY OF MEMBER OR NON-MEMBER STATES

**2. THE QUESTION OF INTERNATIONAL PERSONALITY
OF THE ORGANIZATION

B. Article 105 (1)

**1. SCOPE OF THE TERM “THE ORGANIZATION”

2. PRIVILEGES AND IMMUNITIES OF THE
ORGANIZATION

a. *Property, funds and assets*

26. The agreements concluded between UNDP and Governments concerning assistance by UNDP embody a clause on privileges and immunities. Article IX of the consolidated standard basic agreement concerning assistance by the UNDP provides:^{31A}

“1. The Government shall apply to the United Nations and its organs, including the UNDP and United Nations subsidiary organs acting as UNDP Executing Agencies, their property, funds and assets, and to their officials, including the resident representative and other members of the UNDP mission in the country, the provisions of the Convention on the Privileges and Immunities of the United Nations.

“2. The Government shall apply to such Specialized Agency acting as an Executing Agency, its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, including any annex to the Convention applicable to such Specialized Agency. In case the International Atomic Energy Agency (the IAEA) acts as an Executing Agency, the Government shall apply to its property, funds and assets, and to its officials and experts, the Agreement on the Privileges and Immunities of the IAEA.”

27. The agreement between the United Nations and Japan regarding the headquarters of the United Nations University in Tokyo contained the following provision in Article III, Section 6:³²

“The headquarters seat shall be inviolable. No officer or official of Japan or other person exercising any public authority within Japan, shall enter the headquarters seat to perform any official duties therein except with the consent of the Rector or at his request.”

(i) *Exemption from taxation and customs duties*

28. The Convention on the Privileges and Immunities of the United Nations provides in Sections 7 and 8 that the Organization is exempt from all direct taxes and that while the Organization will not, as a general rule, claim exemption from sales taxes forming part of the price to be paid, nevertheless, in the case of important purchases the Organization shall be entitled to remission or return of the amount of tax paid. In the period under review the question whether a tax is direct or indirect continued to be raised. The Office of Legal Affairs has dealt with questions of exemption from taxation and custom duties of the United Nations on various occasions and has taken the position that direct taxes within the meaning of section 7 (a) of the Convention are those which constitute a direct burden on the United Nations whatever the particular name or descriptive title. The essential features of this determination are the nature and effect of the tax in question. Where a Government attempts to impose a tax upon the United Nations which *prima facie* would appear to fall within the meaning of Section 7 (a), it is for the Government to show that the tax in question is in the nature of a charge for a public utility service. This, for example, was pointed out in relation to the departure taxes imposed in Israel and Sweden for UNEF Peace-keeping Forces and payment of toll/tax for transit through Turkey in connection with the repatriation of UNDOF. Exemption from direct taxation has been interpreted to include exemption from stamp taxes, transportation taxes in respect of official travel, exemption from taxes on transfers of funds and exchange of currency and exemption from hotel taxes when rooms are occupied by

officials in their official capacity. Exemption from direct taxation does not extend, as the language of section 7 indicates, to exemption from charges for public utility services. In the case of United Nations Headquarters these services are defined in section 17 (a) of the Headquarters Agreement as including "electricity, water, gas, post, telephone, telegraph, etc. . . ." Section 8 of the General Convention contemplates sales, excise and use taxes. The operative words here are "important purchases for official use". The question of what constitutes an important purchase within the meaning of section 8 has usually been determined by reference either to the quantity of goods purchased, either as single or aggregate purchases, or to the large amount paid. Thus, for example, the Office of Legal Affairs between 1970 and 1978 has taken the position that the United Nations is exempt from customs duties on taxes levied on gasoline used for the operation of its vehicles and other equipment.^{32A}

29. By an exchange of letters on 28 June 1978 and 4 July 1978 the United Nations and Austria agreed on provisions regarding the refund to UNRWA of the value added tax levied in Austria. It provided that:

"As the UNRWA Headquarters in Vienna falls within the terms of section 45 of the UNIDO Headquarters Agreement, as another office of the United Nations set up with the consent of the Republic of Austria, the provisions of the supplemental agreement of 22 January 1975 will be applied also *mutatis mutandis* to UNRWA."³³

The supplemental agreement provided that:

". . . the Austrian Federal Government . . . shall reimburse the United Nations Industrial Development Organization . . . the turnover tax on goods delivered or services rendered to the UNIDO including rentals. The UNIDO shall not claim reimbursement of the turnover tax for goods delivered or services rendered of a net value excluding the turnover tax, of less than AS 1,000".³⁴

30. The question whether the United Nations is exempt from the federal *droit de timbre de négociation* for the United Nations Joint Staff Pension Fund in Switzerland came up on 14 January 1977 and the Fund was granted exemption on the basis of article II, section 5, paragraph (a) of the Headquarters Agreement concluded in 1946.^{34A}

31. In a letter dated 22 December 1977 from the Permanent Representative of the Federal Republic of Germany to the United Nations concerning two notices for turnover or added-value tax issued by the Hamburg Revenue Office for Corporations, the competent Federal authorities concluded that:^{34B}

"The Revenue Office for Corporations in Hamburg assessed UNICEF for turnover tax for the calendar years 1969 and 1974 in respect of licenses granted by UNICEF to the Norddeutscher and Westdeutscher Rundfunk on a royalty basis. The view expressed by the Revenue Office that neither the Statutory Order concerning the Granting of Privileges and Immunities to the United Nations of 16 June 1970 nor the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of 21 November 1947 apply to UNICEF revenue is correct. However, from the review of the case conducted upon my instruction it emerges that UNICEF as a permanent body of the United Nations General Assembly has the status of a corporation under public law and has not obtained the revenue in question from gainful commercial activity. As a result, no turnover tax can be collected from UNICEF under the provision of the Federal Turnover Tax Law. The Fiscal Department of the City of Hamburg therefore instructed the competent revenue office

to cancel the tax assessment. UNICEF is thus not liable to the Federal Government for turnover tax."

32. The agreement between the United Nations and Japan regarding the headquarters of the United Nations University which came into force on 22 June 1976³⁵ provides in article VII, "Freedom from Taxation", that:

"1. The University, its assets, income and other property shall be:

"(a) Exempt from all direct taxes; it is understood, however, that the University 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 University for its official use. It is understood, however, that articles imported under such exemption will not be sold in Japan under conditions agreed with the Government;

"(c) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications."

"2. While the University 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 University is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax."³⁶

33. The agreement between the United Nations (UNDP) and Fiji concerning the UNDP South Pacific Regional Office in Suva, Fiji, signed at New York on 1 November 1975 and confirmed on 1 December 1975,³⁷ provided for tax exemption for the staff members and the Regional Representative.

(ii) *Favourable rates of exchange*

34. The agreement between the United Nations and the Philippines regarding the arrangements for the Fifth Session of the United Nations Conference on Trade and Development, signed at Geneva on 14 September 1978,³⁸ contained the following section XIII (8):

"All persons referred to in Section I shall have the right to take out of the Philippines at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into the Philippines in connection with the Conference at the United Nations official rate of exchange prevailing when the funds were brought in."

35. Section 6.02 (b)³⁹ of the Agreement (Natural Resources Exploration Project) between the United Nations (United Nations Revolving Fund for Natural Resources Exploration) and the Sudan, signed at Khartoum on 13 July 1976 and which came into force on 30 December 1976, contained the following:

"The Government shall in particular grant to the Fund, or to the United Nations organs, specialized agencies, IAEA, persons, firms or organizations referred to in Article V of this Agreement as the case may be, and their officials or staff, the following rights to and facilities:

". . .

"(iii) the most favourable legal rate of exchange".

**** (iii) Exemption from inspection of property**

(iv) Control and authority of the United Nations over its premises

36. The agreement between the United Nations and Austria regarding the arrangements for the Conference of Plenipotentiaries for the adoption of the protocol on psychotropic substances which came into force on 22 September 1970⁴⁰ contained the following section VII (6):

“The area designated under Section I shall be deemed to constitute United Nations premises and access to these premises shall be under the control and authority of the United Nations.”

37. Section 6 of the United Nations University Headquarters Agreement between the United Nations and Japan contained the following:⁴¹

“1. The headquarters seat shall be inviolable. No officer or official of Japan or other person exercising any public authority within Japan shall enter the headquarters seat to perform any official duties therein except with the consent of the Rector at his request. The consent of the Rector shall, however, be assumed in case of fire or emergency requiring prompt protective action, or in the event that the Japanese authorities have reasonable cause to believe that such an emergency has occurred or is about to occur in the headquarters seat.”

(v) Police protection of United Nations premises

38. Article IV, section 7 of the United Nations University Headquarters Agreement provides that:^{41A}

“The Government shall use its best efforts within the laws and regulations of Japan to protect the headquarters seat against any person or group of persons attempting unauthorized entry into or purposely disturbing the tranquillity of the headquarters seat in its immediate vicinity.”

Various agreements relating to conferences and other meetings held under the auspices of the United Nations also contained provisions on police protection. The agreement between the United Nations and Portugal for the Office of the United Nations Information Centre for Portugal, which came into force on 13 September 1978,⁴² contained the following clause (article II, section 3):

“The appropriate Portuguese authorities shall exercise due diligence to ensure the security and protection of the premises of the Centre and its staff.”

(vi) Immunity from censorship of United Nations public information material

39. The United Nations University Headquarters Agreement provided in article VI, section 10, as follows:⁴³

“1. The Government recognizes the right of the University freely to publish within Japan, in the fulfilment of its purposes, such publications as the University considers to be of an official character and the right of the University to determine without interference by the Government the content of any official broadcast programme which it may arrange to be broadcasted in Japan.”

b. Facilities in respect of communications

40. The United Nations University Headquarters Agreement contained the following clause:⁴⁴

“Article VI

“COMMUNICATIONS AND PUBLICATIONS

“SECTION 9

“1. All official communications directed to the University, or to any of its personnel at the headquarters seat, and all outward official communications of the University, 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. Should there be reasonable cause to believe that apparently official communications contain impermissible or dangerous materials, they may be opened by the Japanese authorities in the presence of a representative of the University; provided, however, that no such representative need be present if those materials appear to present an immediate physical danger.

“2. In communicating with organs of the United Nations, its specialized agencies, the International Atomic Energy Agency, the research and training centres and programmes of the University, and the experts on missions for the University referred to in article XIII, the University shall have the right to use codes and to dispatch and receive official 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. Immunity from legal process of persons appearing as witnesses before United Nations organs**

d. Right of transit and freedom of access to the United Nations Headquarters district or conference area

41. The United Nations University Headquarters Agreement provides:⁴⁵

“Article X

“TRANSIT AND RESIDENCE

“SECTION 14

“1. The Government shall take all necessary measures to facilitate the entry into, sojourn in and transit through Japanese territory of the persons listed below and their spouses and relatives dependent on them, for the purposes of official business of such persons related to the University:

“(a) members of the University Council and its subsidiary bodies;

“(b) the Rector and other personnel of the University headquarters;

“(c) members of advisory bodies set up by the Rector;

“(d) officials of the United Nations, of the United Nations Educational, Scientific and Cultural Organization, of another of the specialized agencies or of the International Atomic Energy Agency, attached to the University or having official business with it;

“(e) personnel of the research and training centres and programmes of the University, personnel of associated institutions, and persons participating in the programmes of the University;

“(f) representatives of other organizations or institutions or other persons invited by the University to the headquarters seat on official business. The

University shall notify the Government of the names of such persons and their spouses and relatives dependent on them, together with other relevant data regarding them. The facilities provided for in this paragraph include granting of visas without charge and as promptly as possible, where required for persons referred to in this paragraph.

"2. No act performed by any person referred to in paragraph 1 in his official capacity for the purposes and functions of the University shall constitute a reason for preventing his entry into or departure from the territory of Japan or for requiring him to leave such territory.

"3. This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the treatment provided for in this section come within the classes described in paragraph 1."

42. The agreement between the United Nations and Kenya concerning arrangements for the fourth session of UNCTAD, to be held at Nairobi from 3 to 28 May 1976,⁴⁶ provides in article XVI on privileges and immunities:

"2. Representatives of the specialized agencies and other intergovernmental organizations attending the Conference shall enjoy the privileges and immunities provided for officials of the specialized agencies under the Convention on the Privileges and Immunities of the Specialized Agencies.

"3. Personnel provided by the Government under Section II of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them within the Conference premises in their official capacity in connection with the Conference, with the exception of those who are assigned to hourly rates. The Secretary-General of UNCTAD shall co-operate at all times with the Government to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the immunities mentioned in this section.

"4. Without prejudice to the preceding paragraphs in this section, all other persons performing functions in connection with the Conference, including representatives of non-governmental organizations, representatives of the information media, and other persons invited to the Conference by the United Nations, shall enjoy immunity from legal process in respect of words spoken or written or any act performed by them in the exercise of their functions in connection with the Conference, and such facilities and courtesies as are necessary for the independent exercise of their functions in connection therewith.

"5. The Government shall ensure that no impediment is imposed on transit to and from the Conference of the following categories of persons attending the Conference: representatives of Governments and their immediate families; representatives of specialized agencies and inter-governmental organizations and their immediate families; officials and experts of the United Nations and their immediate families; observers of non-governmental organizations having consultative status with UNCTAD and with the Economic and Social Council of the United Nations;

"6. Upon consultation with the Government, transit to and from the Conference of representatives of the press or of radio, television, film or other information agencies accredited by the United Nations and other persons officially invited to the Conference by the United Nations shall not be impeded.

"7. All persons referred to in this section, with the exception of those referred to in paragraph 3, shall have the right of entry into and exit from Kenya. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted as speedily as possible and, when applications are received at least two and a half weeks before the opening of the Conference, not later than two weeks before the date of the Conference. If the application for the visa is not made at least two and a half weeks before the opening of the Conference, the visa shall be granted not later than three days from the receipt of the application. Exit permits, where required, shall be granted free of charge and as speedily as possible, in any case not later than three days before the closing of the Conference."

C. Article 105 (2)

1. PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES OF MEMBERS

43. During the period under review, the International Law Commission, at its twenty-third session in 1971, revised the provisional draft articles on the representation of States in their relations with international organizations, prepared at its twentieth, twenty-first and twenty-second sessions and adopted a final set of draft articles as the basis of a convention. The General Assembly of the United Nations, by its resolution 2966 (XXVII) of 14 December 1972,⁴⁷ decided that an international conference of plenipotentiaries should be convened to consider the draft articles on the representation of States in their relations with international organizations, and to embody the results of its work in an international convention. In its resolution 3072 (XXVIII) of 30 November 1973⁴⁸ the General Assembly decided that the United Nations Conference on the Representation of States in their Relations with International Organizations would be held from 4 February to 14 March 1975 at the Neue Hofburg in Vienna, Austria. The Conference adopted, by a vote of 57 in favour to 1 against, with 15 abstentions, the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character on 14 March 1975,^{48A} and it was opened for signature on 14 March 1975 at the Federal Ministry for Foreign Affairs of the Republic of Austria. After 30 September 1975 it remained open for signature at the Headquarters of the United Nations, New York, the closing date for signature being 30 March 1976.⁴⁹ The Convention was to enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession. The requirement of 35 ratifications or accessions has not yet been fulfilled.

44. The Convention is divided into six parts:

Part I. Introduction

Part II. Missions to International Organizations

Part III. Delegations to Organs and to Conferences

Part IV. Observer Delegations to Organs and to Conferences

Part V. General Provisions

Part VI. Final Clauses.

It is to apply to permanent missions constituting representation of the sending State to the organization concerned, and also to delegations sent to an organ or a conference convened by the organization. The privileges and immunities are modelled on the provisions of the Vienna Convention on Diplomatic Relations.⁵⁰ The Convention covers such matters as the establishment of missions, inviolability of premises, personal immunity of representatives and the rights and obligations of host

States and sending States. Part II of the Convention provides that the person and property of the head of mission and members of the diplomatic staff of the mission shall be inviolable (articles 23 and 28), that they shall enjoy immunity from the criminal jurisdiction of the host state and in most actions arising in the civil and administrative jurisdiction (article 30), and that they shall be exempt from dues and taxes, military obligations, customs duties and inspection (articles 33-35). Article 36 extends most of these privileges and immunities to the families of heads of mission and members of the diplomatic staff of missions as well as to members of the mission's administrative and technical staff and their families. Members of the mission's service staff and private staff of mission members are exempted from taxes on their salaries. Part III of the Convention deals with delegations to organs and to conferences. Delegates and members of the diplomatic staff of the delegation have personal inviolability and are granted immunity from the criminal jurisdiction in respect of all acts performed in the exercise of their official functions (articles 58 and 60). They are exempt from the host state's social security legislation and, to the extent practicable, from all dues and taxes (articles 62 and 63). They are also exempt from customs duties and inspection (article 65). Article 66 extends many of these privileges and immunities to the families of delegation members and to the administrative and technical staff of the delegation. Members of the delegation's service staff and the private staff of delegation members are exempted from dues and taxes on their emoluments. Part IV covers the sending of observer delegations to organs and to conferences in accordance with the rules of the organization and also provides for the application of articles 43 to 70 of the Convention to observer delegations. Part V covers general provisions regarding, for example, the nationality of members of the mission, the delegation or the observer delegation, and co-operation between sending States and host States.

****a.** *The expression "resident representatives to the United Nations" as used in the Headquarters Agreement*

****b.** *Nationality of representatives and the grant of privileges and immunities*

c. *Request made by the host State for the departure from its territory of a permanent representative to the United Nations*

45. In connection with a request made by the host State for the departure from its territory of a permanent representative to the United Nations, the Legal Counsel was called upon to clarify the meaning of "prior consultation" in relation to subparagraph (i) of section 13 (b) of the Headquarters Agreement between the United Nations and the United States of 26 June 1974. That provision reads: "No proceedings shall be instituted . . . to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member . . ." In his statement to the Committee on Relations with the Host Country, the Legal Counsel expressed the view that "consultation" must be distinguished from "agreement", "concurrence" or "consent" unless it is clearly indicated in the text that the purpose of consultation is to obtain agreement.^{50A}

d. *Privileges and immunities*

(i) *At conferences held under United Nations auspices*

46. The agreement of 18 October 1973 between the United Nations and Venezuela regarding the arrangements for the second session of the Third United Nations Conference on the Law of the Sea, 1974, provided in article XIV:

"(1) The Convention on the Privileges and Immunities of the United Nations shall be applicable with respect to the Conference. Accordingly, the Conference, the representatives of States invited to attend the Conference, officials of the United Nations performing functions in connection with the Conference and experts on mission for the United Nations at the Conference, shall enjoy the privileges and immunities provided in the said Convention, respectively, for the United Nations, representatives of Members, officials and experts on mission for the United Nations."⁵¹

47. Article XIII, paragraph 2, of the agreement between the United Nations and Austria regarding the arrangements for the United Nations Conference on the Representatives of States in their Relations with International Organizations held at Vienna from 4 February to 14 March 1975 provided that:

"Representatives of States invited to attend the Conference . . . shall enjoy the same privileges and immunities as are accorded to representatives to meetings of the UNIDO . . ."⁵²

48. Article XI, paragraph 2, of the agreement between the United Nations and Mexico regarding the arrangements for the World Conference of the International Women's Year held at Mexico City from 19 June to 2 July 1975 provided that:

"Representatives of States invited to the Conference shall enjoy the privileges and immunities provided under article IV of the [Convention on the Privileges and Immunities of the United Nations.]"⁵³

49. Article XII, paragraph 2, of the agreement between the United Nations and the Federal Republic of Germany concerning the arrangements for the United Nations Conference on the Carriage of Goods by Sea, held at Hamburg from 6-31 March 1978, provided that:

"Representatives of States . . . shall enjoy the privileges and immunities provided under article [s] IV . . . of the Convention on the Privileges and Immunities of the United Nations."⁵⁴

**** (ii)** *Personal inviolability and immunity from arrest*

**** (iii)** *Currency or exchange facilities*

**** (iv)** *Legal status of premises*

2. PRIVILEGES AND IMMUNITIES OF OBSERVERS OF NON-MEMBER STATES

50. The question of the rights, including privileges and immunities, of observers was considered by the United Nations Conference on the Representation of States in their Relations with International Organizations.⁵⁵ Article 1 (1) (12-14) of the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character of 1975, which is not yet in force, defines an "observer delegation" as the delegation sent by a State to an organ or to a conference. Article 71 of the Convention would provide that:

"A State may send an observer delegation to an organ or to a conference in accordance with the rules of the organization."

Article 72 of the Convention makes applicable to observer delegations all the provisions of articles 43 to 70 of the Convention. The effect of this *renvoi* is to equate the status, privileges and immunities of observer delegations to that of permanent missions to international organizations. Pending the entry into force of the 1975 Convention, the basic position of the Organization as regards permanent observers of non-member States remains as outlined in the memorandum of the Legal Counsel of 22 August 1962.⁵⁶

a. *Privileges and immunities of observers of inter-governmental organizations and other organizations having received a standing invitation to participate in the sessions and work of the General Assembly*

51. In a letter⁵⁷ to the Permanent Representative of a Member State in 1975, the Legal Counsel set out his views concerning the privileges and immunities to which representatives of the Council for Mutual Economic Assistance (CMEA) would be entitled in the United States in the light of General Assembly resolution 3209 (XXIX) of 11 October 1974 which requested the Secretary-General to invite the Council "to participate in the sessions and work of the General Assembly in the capacity of observer". Similar invitations have been extended to the European Economic Community (resolution 3208 (XXIX)), the Palestine Liberation Organization (resolution 3369 (XXX)), the Commonwealth Secretariat (resolution 31/3), and the Agency for Cultural and Technical Cooperation (resolution 33/18). In his letter, referred to above, the Legal Counsel stated that, in his view, the representatives of CMEA would benefit from the provisions of sections 11, 12 and 13 of the Headquarters Agreement between the United Nations and the United States of 1946 and that it necessarily followed from the obligations imposed by Article 105 of the Charter that a CMEA delegation would enjoy immunity from legal process in respect of words spoken or written and all acts performed by members of the delegation in their official capacity before relevant United Nations organs.

3. PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE ORGANIZATION

a. *Categories of officials*

52. While the formal categories of officials established by resolution 76 (I) have remained unchanged, the Secretary-General found it necessary in a note of 7 December 1973⁵⁸ to draw to the attention of Member States instances where the General Assembly has appointed or has participated in the appointment of individual members of subsidiary bodies and where he considered that it would be appropriate to extend to them the privileges and immunities accorded to officials of the Organization. The Secretary-General proposed that such cases be determined on the basis of two criteria: (a) the official in question must be engaged on a full-time basis or substantially full-time basis which effectively precludes other employment, and (b) the official must be a member of a body responsible directly to the General Assembly. Based on these criteria, the Secretary-General proposed that the Inspectors serving the United Nations Joint Inspection Unit and the Chairman of the ACABQ be granted the privileges and immunities referred to in articles V and VII of the Convention on the Privileges and Immunities of the United Nations.

53. The General Assembly endorsed this proposal in resolution 3188 (XXVIII) of 18 December 1973. Chapter V, article 13 of the Statute of the Joint Inspection Unit approved by the General Assembly in resolution 31/192 of 22 December 1976 formally incorporated this proposal as one of the conditions of service of the Inspectors. Similar actions have been taken with respect to the Chairman and Vice-Chairman of the International Civil Service Commission,⁵⁹ and the President of the Third United Nations Conference on the Law of the Sea.⁶⁰

54. Article IX of the UNDP Standard Assistance Agreement extends the protection of article V of the Convention on the Privileges and Immunities of the United Nations to "persons performing services on behalf of the UNDP". This expression includes operational experts, volunteers, consultants, and juridical as well as natural persons and their employees.⁶¹

55. The United Nations has generally continued to enjoy the cooperation of Member States in respect of the privileges and immunities of its officials. Where problems have arisen, usually in connection with the status of locally-recruited officials, the Secretary-General has reaffirmed the policy of the United Nations based on resolution 76 (I) of the General Assembly.⁶²

b. *Privileges and immunities*

** (i) *General provisions*

(ii) *Qualification or extension of specific privileges and immunities*

(a) *Immunity from legal process*

56. The exclusive competence of the Secretary-General to decide what constitutes an "official" act for purposes of immunity from legal process was the subject of a letter from the Office of Legal Affairs to the Permanent Representative of the United States following certain remarks by the judge *obiter dicta* in *People of the State of New York v. Mark S. Weiner*.⁶³ The letter re-affirmed the exclusive competence of the Secretary-General to determine the extent of the authority, duties and functions of United Nations officials, matters which cannot be determined by or subject to scrutiny of national courts. The Secretariat likewise could not accept that what is otherwise an "official act" may be determined by a local court to have ceased to have been such an act because of alleged excess of authority. The Secretariat has its own disciplinary procedures and the Secretary-General has the power to waive the immunity particularly where the course of justice would be otherwise impeded.⁶⁴

57. In a letter of 3 October 1978 to the Permanent Mission of the United States the Legal Counsel requested the issuance of a suggestion of immunity from legal process for the United Nations Joint Staff Pension Fund and its Secretary. The letter pointed out that the Secretary of the Pension Fund, its chief administrative officer, is an official of the United Nations in the sense of article V, section 17 of the Convention on the Privileges and Immunities of the United Nations and possesses immunity from national jurisdiction under Section 18 (a) of this Convention.⁶⁵

** (b) *Exemption from national income taxation*

(c) *Immunity from national service obligations*

58. The position taken by a Member State, party to the Convention on the Privileges and Immunities of the

United Nations, that a period of reserve training lasting not more than twenty-eight days was not of such a nature to constitute a national service obligation within the meaning of Section 18 (c) was rejected by the Office of Legal Affairs in 1974.^{65A} However, that section was held to be inapplicable in regard to jury duty. The practice in United Nations Headquarters has been to give special leave with full pay for ten days and annual leave or special leave with pay thereafter where jury duty is compulsory and cannot be excused on other grounds.

****d)** *Exchange facilities*

****e)** *Exemption from customs duties*

(iii) *Cases in which full diplomatic privileges and immunities are extended to certain categories of officials of the Organization*

59. Section 17 of the Agreement between the United Nations and Japan regarding the headquarters of the United Nations University of 14 May 1976^{65B} provides that the Rector of the University, if he is not a national of or permanently resident in Japan, shall be accorded the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

60. Section 19 of the Convention on the Privileges and Immunities of the United Nations provides that the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law. Despite its accession to the General Convention, an important host country refused to accord its nationals who fall under the terms of section 19 the appropriate privileges and immunities. In a letter of 13 July 1971 to the Permanent Representative of the Member State concerned, the Legal Counsel took issue with the position taken, citing the plain meaning of the words used and the *travaux préparatoires* of the Convention.

(iv) *The question of privileges and immunities of locally recruited personnel*

61. A proposal by a Member State in 1973 that its nationals should not enjoy privileges and immunities on its territory was rejected by the Office of Legal Affairs on the grounds that it would not be in accordance with that State's obligations under the Convention on the Privileges and Immunities of the United Nations.⁶⁶

(v) *Waiver of, and other obligations in connection with, the privileges and immunities*

62. In connection with an action brought in the New York City Criminal Court (see paragraph 55 above) in 1976, the Office of Legal Affairs stated that the official act immunity of United Nations staff members was not a bar to the appearance of a staff member as a witness in judicial proceedings but that a waiver of immunity was within the exclusive competence of the Secretary-General and could not be effected by a Court.⁶⁷

****c.** *United Nations laissez-passer and travel facilities*

****4.** PRIVILEGES AND IMMUNITIES OF EXPERTS ON MISSION FOR THE UNITED NATIONS

****5.** PRIVILEGES AND IMMUNITIES OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE, THE REGISTRAR, OFFICIALS OF THE REGISTRY, ASSESSORS, AGENTS AND COUNSELS OF THE PARTIES AND OF WITNESSES AND EXPERTS

6. PRIVILEGES AND IMMUNITIES OF MEMBERS OF UNITED NATIONS PEACE-KEEPING OPERATIONS

63. In the period under review, the Security Council established three peace-keeping operations in the Middle East, namely: the United Nations Emergency Force (UNEF) in 1973;⁶⁸ the United Nations Disengagement Observer Force (UNDOF) in 1974;⁶⁹ and the United Nations Interim Force in Lebanon (UNIFIL) in 1978.⁷⁰ In addition, the Security Council also established a United Nations Transition Assistance Group (UNTAG) in 1978 to assist the Special Representative of the Secretary-General to ensure the early independence of Namibia through free and fair elections.⁷¹ UNTAG has not, however, been deployed.

64. In accordance with the guidelines for each of the three Middle East peace-keeping forces, formulated by the Secretary-General and approved by the Security Council, each "force must enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks" and each "force and its personnel should be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations."⁷²

65. For a variety of reasons, no formal status of force agreements have been concluded for any of the Middle East peace-keeping operations. The guidelines referred to in paragraph 63 have served as the foundation for privileges and immunities and the parties have relied on the general principles established through past peace-keeping practice.

****7.** PRIVILEGES AND IMMUNITIES OF OPERATIONAL AND EXECUTIVE PERSONNEL

****D.** Article 105 (3)

ANNEX

Member States which became parties to the Convention on the Privileges and Immunities of the United Nations between 1 January 1970 and 31 December 1978^a

State	Accession, notification of succession ^b
Bahamas	17 Mar. 1977 ^b
Bangladesh	13 Mar. 1978 ^b
Barbados	10 Jan. 1972 ^b
Burundi	17 Mar. 1971
Colombia	6 Aug. 1974
Djibouti	6 Apr. 1978 ^b
Fiji	21 Jun. 1971 ^b
German Democratic Republic	4 Oct. 1974
Guyana	28 Dec. 1972
Indonesia	8 Mar. 1972
Papua New Guinea	4 Dec. 1975 ^b
Spain	31 Jul. 1974
Sudan	21 Mar. 1977
United States of America	29 Apr. 1970
Zambia	16 Jun. 1975 ^b

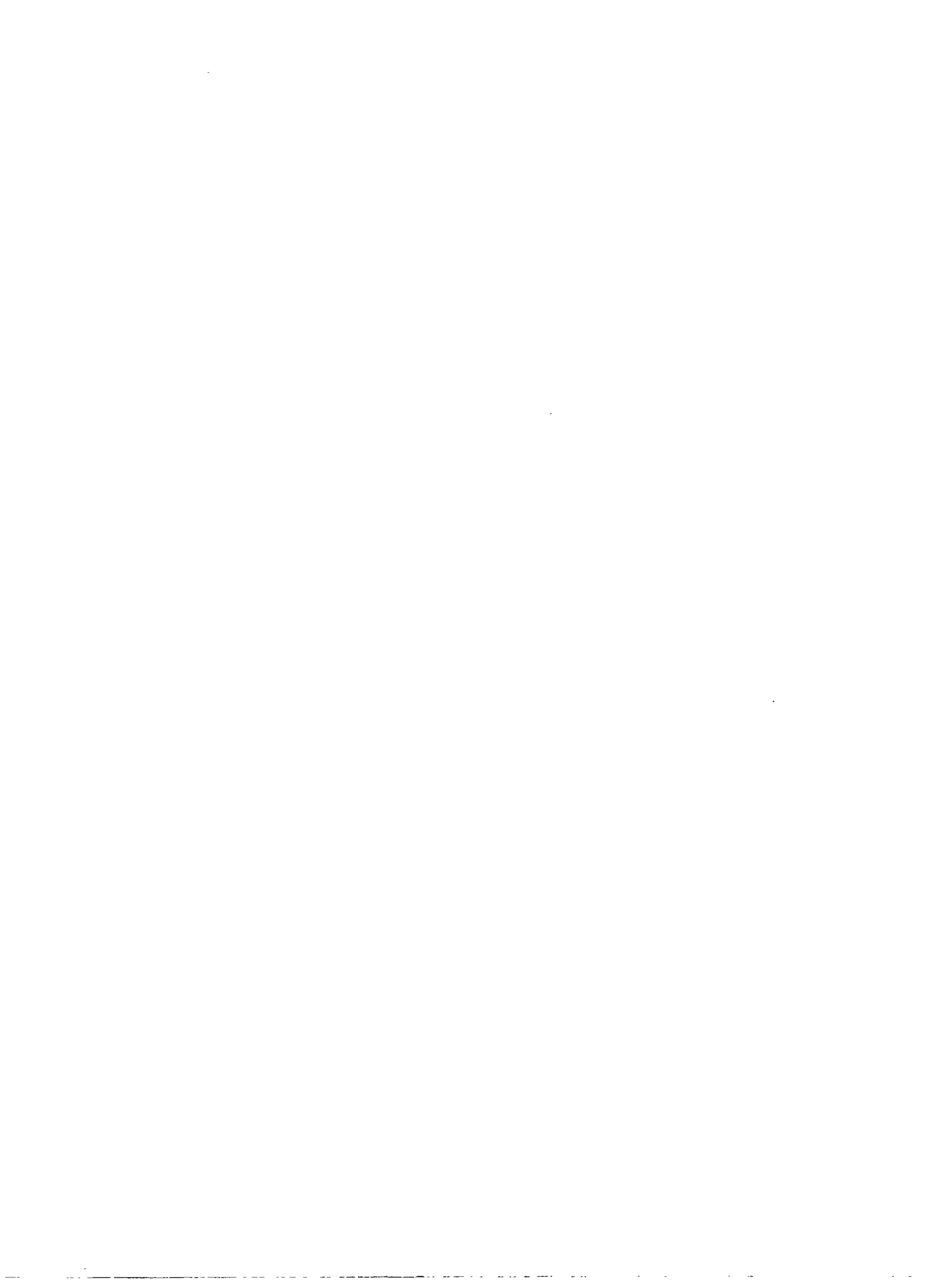
^a *Multilateral Treaties in respect to which the Secretary-General Performs Depositary Functions*, United Nations publication, Sales No. E.83.V.6, pp. 35-36.

^b The symbol ^b immediately following the date appearing opposite the name of a State denotes a declaration by that State recognizing itself bound, as from the date of its independence, by the Convention, the application of which had been extended to its territory by a State then responsible for the conduct of its foreign relations. The date shown is the date of receipt by the Secretary-General of the notification to that effect.

NOTES

- ¹ On 6 June 1978: came into force on 4 July 1978. *United Nations Juridical Yearbook*, 1978, p. 11.
- ² *United Nations Juridical Yearbook*, 1971, p. 20.
- ³ *United Nations Juridical Yearbook*, 1972, p. 19.
- ⁴ *United Nations Juridical Yearbook*, 1974, p. 25.
- ⁵ *United Nations Juridical Yearbook*, 1975, p. 15.
- ⁶ *United Nations Juridical Yearbook*, 1976, p. 14.
- ⁷ *United Nations Juridical Yearbook*, 1976, p. 35.
- ⁸ *United Nations Juridical Yearbook*, 1978, p. 33.
- ⁹ *United Nations Juridical Yearbook*, 1970, p. 42.
- ¹⁰ *United Nations Juridical Yearbook*, 1977, p. 17.
- ¹¹ *United Nations Juridical Yearbook*, 1977, p. 18.
- ¹² *United Nations Juridical Yearbook*, 1977, p. 21.
- ¹³ *United Nations Juridical Yearbook*, 1970, p. 36.
- ^{13A} *United Nations Juridical Yearbook*, 1970, p. 29.
- ¹⁴ *United Nations Juridical Yearbook*, 1978, p. 15.
- ¹⁵ *United Nations Juridical Yearbook*, 1971, p. 19.
- ¹⁶ *United Nations Juridical Yearbook*, 1972, p. 23.
- ¹⁷ *United Nations Juridical Yearbook*, 1974, p. 21.
- ¹⁸ *United Nations Juridical Yearbook*, 1975, p. 21.
- ¹⁹ Provisions on privileges and immunities of these agreements are reproduced in the *United Nations Juridical Yearbook*, 1970-1978.
- ²⁰ *United Nations Juridical Yearbook*, 1974, p. 17.
- ²¹ *United Nations Juridical Yearbook*, 1975, p. 19.
- ²² *United Nations Juridical Yearbook*, 1978, p. 24.
- ²³ *United Nations Juridical Yearbook*, 1978, pp. 15-16.
- ²⁴ *United Nations Juridical Yearbook*, 1975, pp. 11-12.
- ²⁵ See for example *United Nations Juridical Yearbook*, 1970, pp. 32 and 34.
- ^{25A} *Ibid.*, p. 32.
- ²⁶ *Ibid.*, p. 35.
- ^{26A} *Ibid.*, pp. 31-32.
- ²⁷ *United Nations Juridical Yearbook*, 1978, pp. 34-35.
- ²⁸ G A (27), Suppl. No. 30, p. 116.
- ²⁹ G A (28), Suppl. No. 30, p. 140.
- ³⁰ G A (29), Suppl. No. 31, p. 142.
- ³¹ For details, see paras. 43-44, below.
- ^{31A} Document UNDP/ADM/LEG/34 of 6 March 1973 reproduced in *United Nations Juridical Yearbook*, 1973, p. 25.
- ³² *United Nations Juridical Yearbook*, 1976, p. 16.
- ^{32A} *United Nations Juridical Yearbook*, 1972, p. 158.
- ³³ *United Nations Juridical Yearbook*, 1978, pp. 23-24.
- ³⁴ *United Nations Juridical Yearbook*, 1975, p. 13.
- ^{34A} *United Nations Juridical Yearbook*, 1977, pp. 14-15.
- ^{34B} *Ibid.*, pp. 33-34.
- ³⁵ *United Nations Juridical Yearbook*, 1976, p. 14.
- ³⁶ *Ibid.*, p. 18.

- ³⁷ *United Nations Juridical Yearbook*, 1975, p. 23.
- ³⁸ *United Nations Juridical Yearbook*, 1978, p. 30.
- ³⁹ *United Nations Juridical Yearbook*, 1976, p. 53.
- ⁴⁰ *United Nations Juridical Yearbook*, 1970, p. 30.
- ⁴¹ *United Nations Juridical Yearbook*, 1976, p. 16.
- ^{41A} *Ibid.*, pp. 16-17.
- ⁴² *United Nations Juridical Yearbook*, 1978, p. 13.
- ⁴³ *United Nations Juridical Yearbook*, 1976, p. 17.
- ⁴⁴ *Ibid.*, p. 17.
- ⁴⁵ *Ibid.*, p. 19.
- ⁴⁶ *Ibid.*, pp. 35-36.
- ⁴⁷ G A (27), Suppl. No. 30, p. 116.
- ⁴⁸ G A (28), Suppl. No. 30, p. 140.
- ^{48A} The text of the Convention is reproduced in *United Nations Juridical Yearbook*, 1975, pp. 87-116.
- ⁴⁹ Not yet in force; see article 89 of the Convention.
- ⁵⁰ For text, see A/CONF.67/18/Add.1, p. 207 (United Nations publication: Sales No. E.75.V.12).
- ^{50A} *United Nations Juridical Yearbook*, 1978, pp. 189-191.
- ⁵¹ *United Nations Juridical Yearbook*, 1974, p. 17.
- ⁵² *United Nations Juridical Yearbook*, 1975, p. 12.
- ⁵³ *Ibid.*, p. 19.
- ⁵⁴ *United Nations Juridical Yearbook*, 1978, p. 16.
- ⁵⁵ *Supra* para. 43 et seq.
- ⁵⁶ *Repertory, Supplement No. 3*, vol. IV, p. 231, para. 85.
- ⁵⁷ *United Nations Juridical Yearbook*, 1975, p. 157.
- ⁵⁸ *United Nations Juridical Yearbook*, 1973, pp. 164-165.
- ⁵⁹ Article 8, paragraph 3, of the Statute of the International Civil Service Commission, G A resolution 3357 (XXIX) of 18 December 1974.
- ⁶⁰ G A decision 33/405 of 10 November 1978.
- ⁶¹ Article IX, para. 5, UNDP Standard Basic Assistance Agreement reproduced in *United Nations Juridical Yearbook*, 1973, p. 25.
- ⁶² *Ibid.*, p. 167.
- ⁶³ 378 N.Y.S. 2d 966.
- ⁶⁴ *United Nations Juridical Yearbook*, 1976, pp. 237-238.
- ⁶⁵ *United Nations Juridical Yearbook*, 1978, pp. 186-187.
- ^{65A} See in particular *United Nations Juridical Yearbook*, 1975, pp. 190-191.
- ^{65B} *United Nations Juridical Yearbook*, 1976, p. 20.
- ⁶⁶ *United Nations Juridical Yearbook*, 1973, pp. 167-168.
- ⁶⁷ *United Nations Juridical Yearbook*, 1976, pp. 238-239.
- ⁶⁸ S C resolution 340 (1973). This Force is not to be confused with the UNEF that was established in 1956 and withdrawn in 1967.
- ⁶⁹ S C resolution 350 (1974).
- ⁷⁰ S C resolution 425 (1978).
- ⁷¹ S C resolution 435 (1978).
- ⁷² For UNEF and UNDOF, see S C (29), Suppl. for Oct.-Dec. 1974, S/11536, pp. 29-31, and *ibid.*, S/11310/Add.4, pp. 13-14, respectively.



Chapter XVII

TRANSITIONAL SECURITY ARRANGEMENTS

