

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 connection with the Organization.

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

INTRODUCTORY NOTE

1. The present *Supplement* maintains the general structure, format and headings used in earlier studies of the *Repertory* and *Supplements Nos. 1, 2, 3, 4, 5 and 6*. However, a number of sub-headings in the general survey have been changed.

2. In the general survey, a list of new Members that acceded to the 1946 Convention on the Privileges and Immunities of the United Nations (hereinafter “the General Convention”) is presented, as well as a review of the agreements concluded by the United Nations with parties and non-parties to the General Convention. The increasing concern of the safety of international civil servants is also the subject of comment.

3. In the analytical summary, practice regarding the privileges and immunities of the Organization, representatives of Members, observers of non-member States, officials, experts on mission and members of United Nations peacekeeping operations is presented and analysed.

I. GENERAL SURVEY

Implementation of Articles 104 and 105

1. BY GENERAL CONVENTION

4. Four Member States became parties to the General Convention during the period covered by the present *Supplement*. The accession of one of the Members contained reservations to certain provisions of the General Convention (see annex I to the present study). The total number of parties was 124 as at 31 December 1988.

2. BY AGREEMENTS ON PRIVILEGES AND IMMUNITIES

5. During the period under review, the United Nations concluded more than 60 agreements on privileges and immunities with parties to the General Convention and 9 with non-parties (3 of which were non-member States). The majority of the agreements were concerned with technical cooperation and assistance, establishing United Nations offices, centres or institutions and regulating arrangements for United Nations meetings, sessions, workshops or training courses held outside headquarters. A table of the agree-

ments that the United Nations concluded during the period under review appears as annex II to the present study.

(a) By technical cooperation and assistance agreements

6. United Nations programmes and funds primarily concluded agreements concerning technical cooperation and assistance. Those agreements were based on their standard basic assistance agreements. The majority of the agreements concerning technical cooperation and assistance referred to, and confirmed, the application of the General Convention.

7. The United Nations Children’s Fund (UNICEF) concluded bilateral agreements based on its Revised Model Agreement.¹ Provisions on privileges and immunities are contained in article VII of that Model. Article VII provides: “The Government shall apply to UNICEF, as an organ of the United Nations, to its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations (to which

¹ See *United Nations Juridical Yearbook, 1965*, pp. 31-32.

[Member State] is a party). No taxes, fees, tolls or duties shall be levied on supplies and equipment furnished by UNICEF so long as they are used in accordance with the Plans of Operation.” There were some variations from the Model in the agreements concluded with certain States. Thus, the agreements with Botswana in 1986 and with Lesotho and Zambia in 1987 provided that taxes, fees, tolls or duties should not be levied on “services furnished by UNICEF”;² while the agreement with the Government of Djibouti in 1988 excluded “nationals of Djibouti and permanent foreign residents who are locally engaged” from the application of the privileges and immunities contained in the General Convention.³

8. The United Nations Development Programme (UNDP) continued to use its Standard Basic Assistance Agreement (SBAA)⁴ in concluding agreements with Governments. Provisions on privileges and immunities are contained in article IX of the SBAA. One variation in the agreement with the Government of Burma in 1986 was to add the phrase “and as may be agreed upon by the Parties” to paragraph 3 of article IX of the SBAA, which provides: “Members of the UNDP mission in the country may be granted such additional privileges and immunities as may be necessary for effective exercise by the mission of its functions.”⁵ A similar formulation was used in the agreement between UNDP and the Government of Bangladesh in 1986.⁶ Under the latter agreement, Bangladesh nationals were excluded from the privileges and immunities granted to “persons performing services”,⁷ and “access to the site of work and all necessary rights of way” and the “free movement within or to or from the country, to the extent necessary for proper execution of UNDP assistance,” were subject to the “security laws and regulations in force in Bangladesh”.⁸

9. Agreements relating to the United Nations Revolving Fund for Natural Resources Exploration used similar provisions to articles V and VI, sections 5.01-5.03 and 6.02-6.03, of the Agreement reproduced in the *United Nations Juridical Yearbook, 1979*, pp. 35-37. Some variations from these provisions were made in the agreements concluded

² *United Nations Juridical Yearbook, 1986*, p. 50, and *United Nations Juridical Yearbook, 1987*, p. 23.

³ *United Nations Juridical Yearbook, 1988*, p. 24.

⁴ See *United Nations Juridical Yearbook, 1973*, pp. 24-26.

⁵ *Ibid.*, p. 25, and *United Nations Juridical Yearbook, 1986*, p. 24.

⁶ See subpara. (a), *United Nations Juridical Yearbook, 1986*, p. 51.

⁷ See article IX, para. 5, of the Standard Basic Assistance Agreement, in *United Nations Juridical Yearbook, 1973*, p. 25, and *United Nations Juridical Yearbook, 1986*, pp. 51-52, subpara. (c).

⁸ See article X, para. 1 (c) and (d), of the SBAA, in *United Nations Juridical Yearbook, 1973*, p. 25, and *United Nations Juridical Yearbook, 1986*, p. 52, subpara. (d).

with Saint Lucia, Honduras and the Congo in 1985,⁹ and with Mexico in 1986.¹⁰

(b) By United Nations office agreements

10. During the period under review, 11 agreements were concluded establishing United Nations offices, centres or institutions. All of the agreements confirmed the application of the General Convention to those offices, centres and institutions. There were variations in the agreements, which are discussed below.

11. The agreement with Egypt¹¹ related to the continuation and further extension of the Interregional Centre for Demographic Research and Training in Cairo, which had a juridical personality of its own.¹² Article IV, paragraph 2(f), provided that the Director may “appoint on behalf of the Centre ... consultants or experts who are not Egyptian nationals as needed for the performance of the Centre’s activities. These expatriate consultants or experts cannot be regarded as employees of the United Nations.” Article V, paragraph 1(b), went on to provide that the United Nations shall provide “funds for the full financing of expatriate consultants or experts to be recruited by the Centre as indicated in article IV, para. 2,f”. However article VII, paragraph 4, provided, that “experts or consultants to be recruited by the Centre with resources made available by the United Nations as provided for in article IV, para. 2,f, and article V, para. 1,b, of this Agreement who are not Egyptian nationals shall be entitled to the same privileges and immunities accorded to persons performing services on behalf of UNDP, United Nations agencies or the International Atomic Energy Agency or cooperating in the execution of UNDP-assisted projects as per the Agreement between the Government and UNDP of 19 January 1987.” Article IX, paragraph 4(a), of the UNDP Basic Agreement with Egypt of 19 January 1987 granted persons performing services on behalf of UNDP, a specialized agency or IAEA the same privileges and immunities as officials of the United Nations, the specialized agency concerned or IAEA. Thus, while the new provisions in the agreement relating to the continuation and further extension of the Centre allowed it to appoint international experts or consultants, with payments made to them incurring no direct liabilities for the United Nations, the Government of Egypt extended the same privileges and immunities to the international experts or consultants as accorded to officials of the United Nations, the specialized agency concerned or IAEA.

12. There were variations in the provisions on privileges and immunities in the agreements between the Office of the

⁹ *United Nations Juridical Yearbook, 1985*, pp. 27-28.

¹⁰ *United Nations Juridical Yearbook, 1986*, pp. 24-25.

¹¹ *United Nations Juridical Yearbook, 1987*, pp. 21-22.

¹² Article 5: “The Centre shall have a juridical personality independent of that of the parties, and shall not be considered as forming part of either the United Nations or the Government.”

United Nations High Commissioner for Refugees (UNHCR) and the Governments of Sweden and Spain establishing a regional office in Stockholm and a branch office in Madrid, respectively.¹³ The agreement with Sweden provided for the inviolability of the regional office's premises and the residences of the High Commissioner's representative, his deputy and other internationally recruited UNHCR staff. The agreement with Spain, in article 2, provided for the principle of inviolability to apply only to the branch office's premises and the residence of the High Commissioner's representative. The agreement with Spain distinguished between the privileges and immunities of officials of the branch office, on the one hand, and General Service personnel or similar categories hired locally, on the other; while the agreement with Sweden granted privileges and immunities to all officials of the regional office "irrespective of their rank or nationality". In addition to the provision contained in both agreements concerning immunity of officials from seizure of their official baggage,¹⁴ the agreement with Spain also provided for their official baggage to be immune from inspection.¹⁵

13. Three agreements were concluded establishing United Nations information centres – in Poland,¹⁶ Benin¹⁷ and the Congo.¹⁸ The agreements with Benin and the Congo were similar in most respects. However, the agreement with Benin granted the information centre the status of a diplomatic mission.¹⁹ A second variation was in the privileges and immunities accorded to different categories of staff. The agreement with Benin differentiated the privileges and immunities accorded to four categories of staff: the Director of the centre; United Nations officials assigned to the centre; locally recruited Beninese officials at the same level; and locally recruited staff in the General Service or related categories.²⁰ The agreement with the Congo differentiated between the privileges and immunities of officials and those

¹³ *United Nations Juridical Yearbook, 1986*, pp. 45-48, and *United Nations Juridical Yearbook, 1988*, pp. 29-33.

¹⁴ Article IV, sect. 9(b), *United Nations Juridical Yearbook, 1986*, p. 47 (Sweden), and article IV, article 7(b), *United Nations Juridical Yearbook, 1988*, p. 30 (Spain).

¹⁵ Article 7(c), sect. IV, *United Nations Juridical Yearbook, 1988*, p. 30.

¹⁶ *United Nations Juridical Yearbook, 1986*, pp. 34-35.

¹⁷ *Ibid.*, pp. 36-39.

¹⁸ *Ibid.*, pp. 26-29.

¹⁹ Article 4, *ibid.*, p. 36.

²⁰ See articles 9, 10, 11 and 12, *ibid.*, p. 37.

locally recruited in the General Service or related categories.²¹ Although the differentiation of privileges and immunities accorded to different categories of staff was based on General Assembly resolution 76(I) of 7 December 1946, the agreements did not explicitly identify the category of staff receiving a more restricted level of privileges and immunities as those "who are recruited locally and are assigned hourly rates". The exchange of letters constituting an agreement between the United Nations and Poland did not differentiate the privileges and immunities accorded.²²

(c) By conference agreements

14. During the period under review, the United Nations concluded 30 agreements for the purpose of making arrangements for the holding of United Nations sessions, meetings, seminars, workshops and training courses outside of headquarters.

15. In part I, paragraph 5, of its resolution 40/243 of 18 December 1985, the General Assembly decided that "United Nations bodies may hold sessions away from their established headquarters when a Government issuing an invitation for a session to be held within its territory has agreed to defray, after consultation with the Secretary-General as to their nature and possible extent, the actual additional costs directly or indirectly involved".

16. The United Nations Secretariat issued an administrative instruction on 8 May 1987²³ providing guidelines to officials responsible for preparing and finalizing agreements with Governments hosting United Nations conferences. Departures from the guidelines required the prior approval of the Controller. The guidelines contained model provisions for privileges and immunities to be concluded in the form of an agreement²⁴ and in the form of an exchange of letters.²⁵

17. Article XI of the model conference agreement, entitled "Privileges and immunities", reads as follows:

²¹ See article IV, sects. 6, 7 and 8, *ibid.*, p. 28.

²² Para. 5, *ibid.*, pp. 34-35.

²³ ST/AI/342.

²⁴ *Ibid.*, pp. 14-15.

²⁵ *Ibid.*, pp. 17-19.

“1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which the [host State] is a party^a, shall be applicable in respect of the Conference. In particular, the representatives of States and of the intergovernmental organs referred to in article II, paragraph 1(a)^b and (b),^c above, shall enjoy the privileges and immunities provided under article IV of the Convention, the officials of the United Nations performing functions in connection with the Conference referred to in article II, paragraphs 1(g)^d and 2,^e above, shall enjoy the privileges and immunities provided under articles V and VII of the Convention and any experts on mission for the United Nations in connection with the Conference shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

“2. The representatives or observers referred to in article II, paragraph 1(c),^f (e),^g (f)^h and (h),ⁱ above, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the Conference.

“3. The personnel provided by the Government under article VIII,^j above, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the Conference.

^a Include this clause only if the host State is a party.

^b States.

^c Namibia, represented by the United Nations Council for Namibia.

^d Non-governmental organizations.

^e The Secretary-General of the United Nations shall designate the officials of the United Nations assigned to attend the Conference for the purpose of servicing it.

^f Organizations that have received standing invitations from the General Assembly to participate in conferences in the capacity of observers, and national liberation movements.

^g Other intergovernmental organizations.

^h Intergovernmental organs of the United Nations.

ⁱ Officials of the United Nations Secretariat.

^j Paragraph 1 of article VIII provides: “The Government shall appoint a liaison officer who shall be responsible, in consultation with the United Nations, for making and carrying out the administrative and personnel arrangements for the Conference as required under this Agreement.” Paragraph 2 of article VIII provides: “The Government shall recruit and provide an adequate number of secretaries, typists, clerks, personnel for the reproduction and distribution of documents, assistant conference officers, ushers, messengers, bilingual receptionists, telephone operators, cleaners and workmen required for the proper functioning of the Conference, as well as drivers for the cars.... The exact requirements in this respect will be established by the United Nations in consultation with the Govern-

“4. The representatives of the specialized or related agencies, referred to in article II, paragraph 1(d),^k above, shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as appropriate.^l

“5. Without prejudice to the preceding paragraphs of the present article, all persons performing functions in connection with the Conference, including those referred to in article VIII and all those invited to the Conference, shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Conference.

“6. All persons referred to in article II^m shall have the right of entry into and exit from [host State], and no impediment shall be imposed on their transit to and from the conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference, provided the application for the visa is made at least three weeks before the opening of the Conference; if the application is made later, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the Conference are delivered at [specified point(s) of entry] to participants who were unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the Conference.

ment. Some of the persons shall be available at least one week before the opening of the Conference and until a maximum of six days after its close, as required by the United Nations.

^k Specialized and related agencies of the United Nations.

^l If the host State is not a party to these agreements, application of the United Nations convention, *mutatis mutandis*, may be provided for instead.

^m (a) States; (b) Namibia, represented by the United Nations Council for Namibia; (c) organizations that have received standing invitations from the General Assembly to participate in conferences in the capacity of observers, and national liberation movements; (d) Specialized and related agencies of the United Nations; (e) other intergovernmental organizations; (f) intergovernmental organs of the United Nations; (g) non-governmental organizations; (h) Officials of the United Nations Secretariat; (i) other persons invited by the United Nations; and representatives of information media accredited by the United Nations at its discretion after consultation with the Government (para. 3).

“7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the conference premises specified in article III, paragraph 1, above, shall be deemed to constitute premises of the United Nations in the sense of section 3 of the Convention and access thereto shall be subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up.

“8. All persons referred to in article II, above, shall have the right to take out of [host State] at the time of their departure, without any restriction, any unexpended portions of the funds they brought in to [host State] in connection with the Conference and to reconvert any such funds at the rate at which they had originally been converted.ⁿ

“9. The Government shall allow the temporary importation, tax-free and duty-free, of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and taxes on supplies necessary for the Conference. It shall issue without delay any necessary import and export permits for this purpose.”

ⁿ This paragraph is not required if the Conference is held in a State with a freely convertible currency.

18. The model provisions in the form of an exchange of letters were similar to those referred to above.²⁶ Notwithstanding the administrative instruction of May 1987, variations from article XI of the model may be noted in the majority of the agreements concluded. Variations occurred especially with respect to the privileges and immunities of representatives of States or observers, experts on mission, personnel provided by the host country and the inviolability of the conference premises.

19. One noteworthy variation, which appears to have only occurred in formal agreements concluded with France, was the incorporation of a provision to the effect that France “may oppose the entry of a person for serious reasons of public safety, but not for reasons relating to the nationality, religion, occupation or political affiliation of the individual concerned.”²⁷

3. BY OTHER DECISIONS AND ACTIONS OF UNITED NATIONS ORGANS

20. During the period under review, respect for, or violations of, the privileges and immunities of United Nations officials continued to be matters of concern. The General Assembly continued to call upon the Secretary-General, as

²⁶ *Ibid.*, pp. 17-19.

²⁷ *United Nations Juridical Yearbook, 1986*, pp. 31 and 44.

chief administrative officer of the United Nations, to continue personally to act as the focal point in promoting and ensuring observance of the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations by using all such means as were available to him.²⁸ The Secretary-General and the respective executive heads of the organizations concerned intervened with the competent authorities of the Member States regarding cases of arrest, detention or abduction/disappearance throughout the period under review.

21. The number of United Nations officials arrested and detained or disappeared increased during the period under review. In the period from 1 September 1984 to 31 August 1985, a total of 89 cases of arrest, detention or disappearance of officials was reported;²⁹ from 1 September 1985 to 30 June 1986, 95 new cases were reported;³⁰ in the period from 1 July 1986 to 30 June 1987, there were 123 new cases;³¹ and from 1 July 1987 to 30 June 1988, 168 new cases were reported.³² Most of these cases were in the Middle East, where there were large numbers of locally recruited officials employed by several United Nations organs and other affiliated organizations. In the majority of cases, the organizations concerned were able to fully exercise the right of functional protection, were successful in obtaining the release of the detainee or were able to determine that no official acts were involved. However, a number of officials remained in detention during the period, several were tried and sentenced to prison terms and several remained missing.

22. In its resolutions during the period under review, the General Assembly deplored the increase in the number of cases where the functioning, safety and well-being of United Nations officials were adversely affected,³³ and called upon Member States to respect the privileges and immunities of all officials of the United Nations and the specialized agencies and related organizations.³⁴

23. A consolidated list of staff members under arrest and detention or missing at the end of the review period with respect to whom the United Nations and the specialized agencies and related organizations were unable to exercise fully their right to protection was set out in annex I to the Secretary-General's report on the respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations in 1988.³⁵

²⁸ G A resolutions 40/258 C, para. 5; 41/205, para. 8; 42/219, para. 11; and 43/225, para. 11.

²⁹ See A/C.5/40/25 and G A resolution 40/258 C.

³⁰ See A/C.5/41/12 and G A resolution 41/205.

³¹ See A/C.5/42/14 and G A resolution 42/219.

³² See A/C.5/43/18 and G A resolution 43/225.

³³ See G A resolutions 40/258 C, para. 2; 41/205, paras. 3 and 4; 42/219, paras. 4 and 5; and 43/225, paras. 4 and 5.

³⁴ G A resolutions 41/205, para. 5; 42/219, para. 6; and 43/225, para. 6.

³⁵ A/C.5/43/18.

II. ANALYTICAL SUMMARY OF PRACTICE

**A. Article 104

B. Article 105 (1)

1. PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION

24. Paragraph 1 of Article 105 grants the United Nations, as an Organization, certain privileges and immunities within the territory of Member States. In practice, during the period under review, while all the agreements concluded between the United Nations and host Governments referred to the general application of the General Convention, the majority of the agreements specifically mentioned some of the privileges and immunities which applied. Additionally, the United Nations Legal Counsel rendered opinions which provided assistance in determining the proper application of Article 105.

25. The General Assembly was issued a notice dated 29 January 1987 from the United States Equal Employment Opportunity Commission (EEOC) of a charge of discrimination made by a former short-term staff member. The Office of Legal Affairs advised the EEOC³⁶ that the United Nations was immune from the jurisdiction of quasi-judicial bodies. The United Nations, its organs or officials could not be made subject to process of EEOC, nor could they be made party to its proceedings. This advice relied in part on article II, section 2, of the General Convention, which provides immunity to the United Nations, its property and assets, from every form of legal process unless it has expressly waived its immunity. The Office of Legal Affairs requested the Commission to dismiss the totality of the complaint against the United Nations and its two officials which the complaint named as respondents, in addition to the General Assembly. The latter aspect is discussed below in the section on privileges and immunities of officials of the Organization.

(a) Property, funds and assets

(i) *Exemption from taxation and customs duties*

26. Article II, section 7(a), of the General Convention provides that "the United Nations, its assets, income and other property shall be exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services". This section is reflected in the model provisions in the form of an agreement contained in the administrative instruction of 8 May 1987.³⁷ The model provisions in the form of an agreement provide, in relation to the application of taxes and customs duties with respect to United Nations conferences, that: "The Government shall allow the temporary importation,

tax-free and duty-free, of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and taxes on supplies necessary for the Conference. It shall issue without delay any necessary import and export permits for this purpose."³⁸

27. During the period under review, the question whether a tax was direct or indirect continued to be raised. The Office of Legal Affairs continued to take the position that it had taken during the period covered by the previous *Supplement*,³⁹ that direct taxes within the meaning of section 7(a) of the General Convention were those which constituted a direct burden on the United Nations. The nature and the effect of the tax were accordingly the primary considerations in determining whether the tax was direct or indirect. Where a Member State attempted to impose a tax upon the United Nations which prima facie would appear to fall within the meaning of section 7(a) of the General Convention, it was for the Member State to show that the tax in question was in the nature of a charge for a public utility service. The Legal Counsel, in a note verbale to the Permanent Representative of a Member State,⁴⁰ advised that a 30 per cent currency conversion tax levied by that Member State on the United Nations, including the UNDP and other agencies of the United Nations with programmes in that country and their staff, constituted a direct tax within the meaning of section 7(a) of the General Convention. In addition, the tax was deemed contrary to the intent of section 18(e), concerning the privileges of United Nations officials in respect of exchange facilities, and of article 34 of the Vienna Convention on Diplomatic Relations.

28. The Office of Legal Affairs, in a memorandum to the Office of Financial Services, advised that air travel taxes or a departure tax on the purchase of air tickets were typically direct in their incidence, as they fell directly on the Organization, and therefore constituted a direct tax within the meaning of section 7(a) of the General Convention.⁴¹ To the extent that any part of the tax was a charge for services rendered, the United Nations would pay in accordance with the General Convention, provided that the authorities concerned could demonstrate that that was the case.⁴² The Legal Counsel also advised in a letter to the legal adviser of the Permanent Mission of a Member State that a customs user fee to be introduced by the customs service of that Member State would be in fact a direct tax and not a charge

³⁸ *Ibid.*, article XI, para. 9.

³⁹ See *Repertory, Supplement No. 6*, vol. VI, under Articles 104 and 105, paras. 47-49.

⁴⁰ *United Nations Juridical Yearbook*, 1988, p. 304.

⁴¹ *United Nations Juridical Yearbook*, 1986, p. 321, para. 4.

⁴² *Ibid.*

³⁶ *United Nations Juridical Yearbook*, 1987, pp. 206-208.

³⁷ ST/AI/342; see paras. 16-19 above.

for a public utility service,⁴³ as was a proposed harbour maintenance fee in a host country.⁴⁴

29. In relation to the disposal of an official vehicle of a United Nations information centre in a host State which had recently changed its customs regulations, the Office of Legal Affairs advised in a memorandum to the Department of Public Information⁴⁵ that section 7(b) of the General Convention stipulated the general principle that the conditions of resale of United Nations property shall be agreed with the host country. The Centre was advised to “attempt to reach agreement with the Government on the conditions for resale taking into account the [General Convention] and the local law. In this sense the Centre should abide by the new customs regulations.”

(ii) *Favourable rates of exchange*

30. The administrative instruction of 8 May 1987⁴⁶ containing model provisions on privileges and immunities with respect to United Nations conferences provides, in relation to favourable rates of exchange: “All persons referred to in article II, above, shall have the right to take out of [host State] at the time of their departure, without any restriction, any unexpended portions of the funds they brought in to [host State] in connection with the Conference and to reconvert any such funds at the rate at which they had originally been converted.”⁴⁷ The administrative instruction includes a proviso to the effect that the paragraph is not required if the conference is held in a State with a freely convertible currency.⁴⁸ The latter part of the provision – “and to reconvert any such funds at the rate at which they had originally been converted” – was not included in the agreements that were concluded during the period under review following the issuance of the administrative instruction. The majority of agreements concluded before the issuance of the administrative instruction provided that the unexpended portions would be reconverted at the United Nations official rate prevailing when the funds were brought in.

31. The Office of Legal Affairs, in a memorandum to UNDP,⁴⁹ advised that, where exchange parallel market rates were established in a Member State, the Organization and its specialized agencies were entitled to receive the

⁴³ *United Nations Juridical Yearbook, 1986*, p. 323. This advice only provided preliminary comments; the legal arguments as to why the user fee was a tax were not detailed.

⁴⁴ *United Nations Juridical Yearbook, 1987*, pp. 213-214. See also *United Nations Juridical Yearbook, 1987*, pp. 214-215, for the Office of Legal Affairs advice in relation to the effect of new banking and customs regulations in a Member State.

⁴⁵ *United Nations Juridical Yearbook, 1985*, p. 147.

⁴⁶ ST/AI/342.

⁴⁷ *Ibid.*, article XI, para. 8.

⁴⁸ *Ibid.*, p. 15, footnote to para. 8.

⁴⁹ *United Nations Juridical Yearbook, 1985*, p. 146.

exchange parallel market rate if it was the most favourable rate of exchange.

32. During the period under review, a dispute arose between the UNDP and Somalia with respect to article X, paragraph 1(e), in the Standard Basic Assistance Agreement (UNDP/SBAA), which related to the exchange rate to be used by UNDP in the country. That Article provided:

“1. The Government shall take any measures which may be necessary to exempt the UNDP, its Executing Agencies, their experts and other persons performing services on their behalf from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of UNDP assistance. It shall, in particular, grant them the following rights and facilities:

“... ”

“(e) The most favourable legal rate of exchange”.⁵⁰

33. A dual exchange rate system was formally established in Somalia as of 1 January 1985 by Central Bank circular FDH/51/84 dated 30 December 1984, with an official exchange rate of Somali shillings 36 per United States dollar and a market-determined exchange rate of approximately So.sh 75 = \$1.00. Somali authorities proceeded to apply the official exchange rate to the transactions of all UNDP and other international organizations and foreign missions in Somalia. This resulted in substantial loss on exchange for UNDP and its executing agencies. Informal consultations and negotiations ensued between the United Nations and the Somali authorities regarding the UNDP request for access to the most favourable legal rate of exchange. After a review by the United Nations in July 1985 of the negotiations and correspondence regarding the application of article X, paragraph 1(e), of the UNDP/SBAA with Somalia subsequent to the issuance of the Central Bank circular, the Organization concluded that a negotiated settlement could not be reached and invoked the arbitration procedure in accordance with article XII of the UNDP/SBAA.

34. On 4 March 1985, the Office of Legal Affairs advised UNDP on the question of whether the organizations of the United Nations system, other than UNDP, were entitled to the benefits of the best prevailing rate of exchange which was legally obtainable or whether they must be restricted to the official rate of exchange. The Office explained that the general principle, derived from the law and practice of international immunities, was that international organizations were entitled to the benefits of the most favourable legal

⁵⁰ Agreement between UNDP and the Government of the Somali Democratic Republic of 16 May 1977.

rate of exchange. That principle, which ensured that any benefit arising from the existence of differential rates accrued to the organizations concerned in the interests of the most efficient use of international funds, had been expressly incorporated in agreements such as the UNDP/SBAA. It was therefore the view of the Office that the organizations of the United Nations system operating in Somalia were entitled to the benefits of the market-determined rate of exchange – the most favourable rate of exchange which was legally in force. That conclusion was the only one that would be consistent with existing legal arrangements and the financial policies established by the legislative organs of the organization concerned.

35. By letter dated 16 July 1985, the United Nations informed Somalia of its intention to invoke the arbitration procedures under article XII of the UNDP/SBAA. However, the United Nations asked the Government to “put forward concrete proposals for resolving the difference as to the rate to be used” and for these purposes deferred its intention to formally initiate the arbitration procedure until 15 August 1985. By letter dated 7 October 1985, the United Nations notified the Government of Somalia of the nomination of its arbitrator and requested the Government to nominate its arbitrator in accordance with the provisions of article XII of the UNDP/SBAA.

36. By letter dated 5 November 1985, the United Nations was informed of the decision of the Somali Government “that all such transactions with UNDP will henceforth be made on the basis of the most favourable rate of exchange”. The most favourable rate of exchange referred to was confirmed by letter dated 11 November 1985 as being the market-determined rate, which was the best prevailing legal rate of exchange at that time. The decision to refer to arbitration was suspended.

37. In January 1986, the Government of Somalia proposed a series of amendments to the UNDP/SBAA, including the deletion of article X, paragraph 1(e). Then, on 17 March 1986, the Government unilaterally abrogated access by UNDP to the market-determined rate of exchange, reapplying the official exchange rate. The United Nations informed the Government of Somalia that a dispute continued to exist between them and that it had appointed an arbitrator in accordance with article XII, paragraph 1, of the UNDP/SBAA.

38. On 19 June 1986, the United Nations requested the President of the International Court of Justice to appoint an arbitrator, as Somalia had taken no steps in the designated time to appoint one in accordance with article XII, paragraph 1, of the UNDP/SBAA. On 28 June 1986, the President of the Court notified the United Nations of the appointment of an arbitrator. The appointment was relayed to Somalia on 30 July 1986.

39. In September 1986, the Government of Somalia established the “auction rate of exchange”, which appeared at that time to be the most favourable legal exchange rate. Accordingly, UNDP formally requested the Government of Somalia on 7 October 1986 to provide the Organization with access to that rate of exchange. Consultations between UNDP and Somalia produced no results.

40. The United Nations filed a Memorial on 29 May 1987⁵¹ on behalf of UNDP pursuant to article XII, paragraph 1, of the UNDP/SBAA signed with Somalia. The question submitted to arbitration concerned the interpretation of article X, paragraph 1(e), of the UNDP/SBAA, which accorded to UNDP and its executing agencies the most favourable legal rate of exchange. Part V of the Memorial analysed the legal issues involved and of the conclusions to be drawn from an examination of the applicable law. Part V expanded on the legal advice of 4 March 1985 by the Office of Legal Affairs.

41. In considering the ordinary meaning of the term “the most favourable legal rate of exchange” in the context of the UNDP/SBAA, the Memorial stated that it referred to that legal exchange rate which provided the most favourable return of local currency at a given time.⁵² The Memorial stated that the operative condition was that the rate must be a “legal” rate of exchange, that is, a legally recognized rate, as distinct from rates of exchange which were not legally recognized and which operated outside the banking and exchange laws, such as black-market rates.⁵³

42. The Memorial stated that the right to the most favourable legal rate of exchange was accorded to UNDP as a corollary to the obligation of the Government of Somalia under article X, paragraph 1(a), of the UNDP/SBAA, its executing agencies, their experts and other persons performing services on their behalf, to provide “such other facilities as may be necessary for the speedy and efficient execution of UNDP assistance”; and was consistent with the general obligation of the Government concerning the use of UNDP assistance, which was prescribed under article III of the UNDP/SBAA.⁵⁴ That interpretation was also consistent with the purpose and objectives of the UNDP/SBAA: namely, to provide development assistance to Somalia in keeping with the mandate of UNDP “to support and supplement the national efforts of developing countries in solving the most important problems of their economic development”. Any exchange advantage arising from the existence of differential rates, so far as they were

⁵¹ Memorial submitted by the United Nations on behalf of UNDP concerning the interpretation of article X, paragraph 1(e), of the Agreement between UNDP and the Government of the Somali Democratic Republic concerning assistance by UNDP to the Government.

⁵² *Ibid.*, para. 46.

⁵³ *Ibid.*

⁵⁴ *Ibid.*, para. 47.

legally established, authorized or recognized by the authorities of the country concerned, should not accrue to the Government concerned, but to UNDP, in the interest of the most efficient use of international funds for as many countries and programmes as possible.⁵⁵

43. The arbitration proceedings were suspended until further notice on 23 March 1988, pursuant to the request of UNDP, following confirmation that the Government of Somalia had abolished the two-tier exchange rate system and that a single exchange rate was being applied uniformly to all transactions.

(iii) Exemption from inspection of property

44. The Legal Counsel, in a note to the Permanent Representative of a Member State,⁵⁶ advised that the forcible opening and examination by the authorities of a party to the General Convention of clearly marked United Nations pouches was in contravention of its obligations under the General Convention. According to article III, section 10, of the General Convention, the Organization has the right to dispatch and receive its correspondence in bags, which shall have the same immunities and privileges as diplomatic bags. Article 27, paragraph 3, of the Vienna Convention on Diplomatic Relations unequivocally provides that the diplomatic bag shall not be opened or detained.

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

45. The administrative instruction of 8 May 1987⁵⁷ containing model provisions on privileges and immunities with respect to United Nations conferences provides that "conference premises ... shall be deemed to constitute premises of the United Nations in the sense of section 3 of the [General] Convention and access thereto shall be subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up"⁵⁸ This paragraph was not reflected in the agreements that were concluded during the period under review following the issuance of the administrative instruction.

(v) Police protection of United Nations premises

46. During the period under review, the agreements concluded by the United Nations establishing regional centres, information centres and UNHCR branch and regional offices in host States included a section on the security and protection of the centre or office and its staff. For example, the two agreements establishing regional centres for peace and disarmament in Nepal and Peru provided that the appropriate government authorities "shall exercise due dili-

gence to ensure the security and protection of the premises of the Centre and its staff"⁵⁹ The same provision was used in the agreements establishing United Nations information centres in the Congo,⁶⁰ Benin⁶¹ and Poland.⁶² The agreements establishing the branch office of UNHCR in Madrid and the regional office in Stockholm contained the same provision in article 3⁶³ and article II, section 4,⁶⁴ respectively.

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

(b) Facilities in respect of communications

47. The Office of Legal Affairs advised the United Nations Centre on Transnational Corporations that it did not have to comply with a request by a Member State to provide it with copies of any requests for information or assistance that it had received from firms or business organizations of the country in question. The request raised questions as to the inviolability and integrity of the Organization's correspondence, which was protected by the General Convention, to which the State concerned was a party.⁶⁵

*** (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

48. At the 126th meeting of the Committee on Relations with the Host Country, on 14 October 1987, the representative of Cyprus drew the attention of the Committee to difficulties created by the United States Security Service regarding access to the Headquarters building during President Reagan's visit to the United Nations. He asked the authorities of the host country to examine the problem and to consider alternatives for the routes that were to be blocked during presidential visits. In reply, the representative of the United States stated that he regretted the inconvenience suffered by delegations and expressed the hope that the situation would improve the following year.⁶⁶

49. At the 127th meeting of the Committee on Relations with the Host Country, on 18 November 1987, the observer of Singapore referred to an incident concerning Singapore's Senior Minister and the Minister for Foreign Affairs

⁵⁹ Section 3, *United Nations Juridical Yearbook, 1988*, p. 15 (Nepal), and section 3, *United Nations Juridical Yearbook, 1987*, p. 20 (Peru).

⁶⁰ Section 3, *United Nations Juridical Yearbook, 1986*, p. 27.

⁶¹ Article 6, *ibid.*, p. 37.

⁶² Paragraph 2, *ibid.*, p. 34.

⁶³ *United Nations Juridical Yearbook, 1988*, p. 29.

⁶⁴ *United Nations Juridical Yearbook, 1985*, p. 46.

⁶⁵ *United Nations Juridical Yearbook, 1986*, pp. 317-318.

⁶⁶ G A (42), Suppl. No. 26, paras. 81-82.

⁵⁵ *Ibid.*, para. 48.

⁵⁶ *United Nations Juridical Yearbook, 1987*, p. 208.

⁵⁷ ST/AI/342.

⁵⁸ *Ibid.*, article XI, para. 7.

of Singapore during their visit to New York in September 1987 to attend the forty-second session of the General Assembly. The delegation was denied access to the United Nations by the United States Security Service. The observer requested the host State to ensure that heads of delegation had unhindered access to the United Nations at all times during the sessions of the General Assembly and equal access to the facilities of a hotel where the United States Security Service protected other dignitaries. The representative of the United States expressed his concern over the incidents in question and said that situations of that nature frequently occurred when tight security was provided for visiting heads of State or other senior government officials. The host country was taking steps to ensure better co-ordination in the future in order to prevent the recurrence of such incidents.⁶⁷

B. Article 105(2)

1. PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES OF MEMBERS

****(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

50. During the period under review, the United States imposed travel restrictions on the staff of certain permanent missions to the United Nations and their dependants. There was also a compulsory reduction in the number of staff at the Permanent Missions of the Union of Soviet Socialist Republics, the Byelorussian SSR and the Ukrainian SSR.

51. By a note verbale dated 13 December 1985, the United States advised the permanent missions of Bulgaria, Czechoslovakia, Poland and the German Democratic Republic to the United Nations that arrangements for travel of members of those missions and their dependants outside a 25-mile radius of New York City requiring the use of common carriers or rental automobiles or public overnight accommodation would have to be made through the United States Office of Foreign Missions 48 hours in advance. In a letter dated 8 January 1986, the representatives of the permanent missions concerned brought the matter to the attention of the Secretary-General.⁶⁸

52. In 1988, the United States advised the permanent missions of Albania, Bulgaria, Czechoslovakia, the German Democratic Republic, Poland,⁶⁹ Romania and Hungary⁷⁰ to the United Nations that their personnel, including persons temporarily assigned, and their dependants would be sub-

ject to the travel regulations. The Permanent Representatives of the affected missions appealed to the Secretary-General for his active assistance and intervention with the relevant United States authorities for the prompt revocation of those measures.⁷¹ The Secretary-General did not intervene.

53. In March 1986, the United States informed the permanent missions of the USSR, the Byelorussian SSR and the Ukrainian SSR to the United Nations in New York that it had concluded that those missions had together reached a size that far exceeded the staffing needs arising from the pursuit of United Nations-related business. The United States decided to reduce the collective size of the staff of the missions concerned to 170 permanently assigned personnel by 1 October 1988.⁷²

54. The Legal Counsel stated during the 115th meeting of the Committee on Relations with the Host Country, on 13 March 1986, that there was no precedent where the host State had called for ceilings on, or reductions in, the size of missions accredited to the United Nations or its specialized agencies. The matter therefore had to be considered according to the relevant rules and principles of international law. The Legal Counsel cited article 14 of the 1975 Vienna Convention on the Representation of States in their Relations with International Organizations, which provided that the size of a mission should not exceed what was reasonable and normal, having regard to the function of the organization, the needs of the particular mission and the circumstances and conditions in the host State. Any concerns of the host State regarding the size of a mission had to be resolved through consultations. If consultations failed, then dispute-settlement procedures should be utilized. The Legal Counsel concluded that the matter required consultations. The Secretary-General expressed his readiness to be of assistance in that regard.⁷³

55. The General Assembly considered the matter at its forty-first session. The Assembly urged that the “path of consultations” be followed “with a view to reaching solutions to this matter”, in accordance with the Headquarters Agreement.⁷⁴ This call was renewed by the Assembly at the forty-second session.⁷⁵

56. At the 126th meeting of the Committee on Relations with the Host Country, on 14 October 1987, the United States representative informed the Committee that discussions between his mission and the Soviet mission on the subject of the phased reduction of staff had been successful and the Soviet Union had implemented the required reductions on schedule. The representative of the Soviet Union

⁶⁷ *Ibid.*, paras. 24-25.

⁶⁸ See G A (41), Suppl. No. 26, paras. 18-24.

⁶⁹ On 18 May 1988.

⁷⁰ On 22 August and 20 September 1988.

⁷¹ See G A (43), Suppl. No. 26, paras. 23-29, 33-47.

⁷² See G A (41), Suppl. No. 26, paras. 32 and 33.

⁷³ *Ibid.*, para. 38.

⁷⁴ G A resolution 41/82, para. 4.

⁷⁵ G A resolution 42/219, para. 4.

responded that those contacts did not constitute consultations and reiterated his hope that consultations would take place as provided for by the Headquarters Agreement and the relevant recommendation of the General Assembly.⁷⁶ No discussions on the matter were held during the Committee meetings in 1988. However, the General Assembly reiterated its call for the parties to follow the path of consultation “in the spirit of cooperation” in resolving the issue.⁷⁷

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

(d) Privileges and immunities

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

57. The administrative instruction of 8 May 1987⁷⁸ containing model provisions on privileges and immunities with respect to United Nations conferences provides that “the representatives of States [attending the United Nations conference that is the subject of the agreement] ... shall enjoy the privileges and immunities provided under article IV of the Convention”.⁷⁹ This provision was not included in the majority of agreements concluded following the issuance of the administrative instruction.

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

(iii) *Immunity from legal process*

58. By virtue of diplomatic immunity, the wife of a member of the permanent mission of a Member State evaded legal process regarding a shoplifting charge lodged against her. The individual left the United States rather than answer the charge. The representative of the host country, at the 129th meeting of the Committee on Relations with the Host Country, on 5 May 1988, appealed to missions to cooperate with the United States Mission in the event of such incidents.⁸⁰

59. At the 114th meeting of the Committee on Relations with the Host Country, on 22 January 1986, the Chairman drew attention to the pending consideration of information prepared by the host country regarding immunities of members of permanent missions to the United Nations participating in criminal proceedings.⁸¹ The annex to that document contained responses of the relevant United States authorities to the questionnaire prepared by the open-ended

contact group and drafted by the Legal Counsel. The Committee discussed the responses.⁸²

**** (iv)** *Currency or exchange facilities*

**** (v)** *Legal status of premises*

**** (vi)** *Immovable property of missions accredited to the United Nations*

(vii) *Movable property of representatives of Members*

60. During the period under review the Counsellor for Host Country Affairs of the United States Mission to the United Nations sent a note verbale dated 22 May 1985 to the Chairman of the Committee on Relations with the Host Country enclosing questions received from the diplomatic community, together with their respective answers, on the new regulations under the United States Foreign Missions Amendments Act relating to the federal title, registration and insurance policies of motor vehicles owned and operated by United Nations missions and personnel.⁸³

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

61. On 2 March 1988, the General Assembly, by its resolution 42/229 B, requested the International Court of Justice to give an advisory opinion on whether the United States was under an obligation to enter into arbitration with the United Nations in accordance with section 21 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations of 26 June 1947 (Headquarters Agreement).⁸⁴

62. The events in question centred on the conferral by the General Assembly, on 22 November 1974, of observer status on the Permanent Observer Mission of the Palestinian Liberation Organization (PLO) to the United Nations in New York, (resolution 3237 (XXIX)). The United States attempted to apply its domestic Anti-Terrorism Act of 1987 which, inter alia, declared illegal the establishment or maintenance of an office of the PLO within the jurisdiction of the United States. The law, due to take effect on 21 March 1988, would have entailed the closure of the PLO Observer Mission to the United Nations.⁸⁵

63. The Court delivered its advisory opinion on 26 April 1988.⁸⁶ The Court concluded that the United States of

⁷⁶ See G A (42), Suppl. No. 26, paras. 43-44.

⁷⁷ G A resolution 43/172, para. 4.

⁷⁸ ST/AI/342.

⁷⁹ Ibid., article XI, para. 1.

⁸⁰ See G A (43), Suppl. No. 26, para. 71.

⁸¹ A/AC.154/257.

⁸² See G A (41), Suppl. No. 26, paras. 61-67.

⁸³ See G A (40), Suppl. No. 26, paras. 15-22, and annex I.

⁸⁴ See also this *Supplement*, under Article 96.

⁸⁵ *Yearbook of the United Nations* (hereinafter “YUN”) 1988, p. 794.

⁸⁶ *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947: Advisory Opinion of the International Court of Justice*, transmitted by the Secretary-General 29 April 1988, United Nations document A/42/952; *I.C.J. Reports 1988*, p. 12 (hereinafter “*Headquarters Agreement Advisory Opinion*”).

America, as a party to the Headquarters Agreement, was under an obligation to enter into arbitration in accordance with section 21 for the settlement of the dispute between itself and the United Nations.⁸⁷

64. The General Assembly, in its resolution 42/232 of 13 May 1988, “took note” of and endorsed the advisory opinion of the International Court of Justice of 26 April 1988.⁸⁸ It also urged the host country to abide by its international legal obligations and act consistently with the Court’s opinion and accordingly to name its arbitrator to the arbitral tribunal provided for under section 21 of the Headquarters Agreement.⁸⁹ The Assembly also requested the Secretary-General to continue his efforts to ensure the constitution of the arbitral tribunal and to report to the General Assembly without delay on developments in the matter.⁹⁰ The Assembly decided to keep the matter under active review.⁹¹

65. At the same time, the Government of the United States initiated legal proceedings in a domestic court to obtain judicial authorization to close the PLO Observer Mission as required by the Anti-Terrorism Act. On 29 July 1988, the United States District Court for the Southern District of New York rejected the authorization sought by the Government of the United States.⁹²

66. In his report of 13 September 1988, the Secretary-General welcomed the decision by the Government of the United States not to appeal the case, thus bringing an end to the dispute between the United Nations and its host country.⁹³

67. In November 1988, the United States Department of State refused a visa request for Yasser Arafat, Chairman of the Executive Committee of the PLO, to participate in the work of the forty-third session of the General Assembly. The Legal Counsel had transmitted the visa request personally to the Acting Permanent Representative of the United States of America to the United Nations, at the United States Mission, and had informed the Ambassador that in his view the request fell under sections 11, 12 and 13 of the Headquarters Agreement. Those sections provide, inter alia, that invitees of the United Nations should not be impeded in their access to the Headquarters district, that that applied irrespective of the state of bilateral relations of the host country and that the necessary visas “shall be granted ... as promptly as possible”.

⁸⁷ Ibid., para. 57.

⁸⁸ G A resolution 42/232, para. 2.

⁸⁹ Ibid., para. 3.

⁹⁰ Ibid., paras. 4 and 5.

⁹¹ Ibid., para. 6.

⁹² *YUN 1987*, pp. 794-795.

⁹³ Ibid., p. 795.

68. The position of the United Nations was based upon a memorandum of the United Nations Legal Department reproduced in Economic and Social Council document E/2397 of 10 April 1953.⁹⁴ A problem arose at that time concerning the denial of a visa by the host country of an invitee of the Economic and Social Council on the grounds of national security. The then Secretary-General, Dag Hammarskjöld, engaged in negotiations with the host country in an effort to find a way in which such difficulties could be handled and dealt with. He stated in reports on the matter⁹⁵ that the right to transit to and from the Headquarters district had not been made the subject of any reservation by the Government of the United States. He added that it should be recognized that a person could nevertheless be excluded from the host country if there was clear and convincing evidence that a person intended in bad faith to use his or her trip as a cover for activities against that country’s security. The United States representatives had assured him that, if in the future there should arise any serious problems with respect to the application in special cases of provisions concerning access to the Headquarters district or to sojourn in its vicinity, he would be consulted and kept as fully informed as possible in order to ensure that the decision made was in accordance with the rights of the parties concerned. In the matter concerning the denial of Mr. Yasser Arafat’s request for a visa, the Secretary-General had been neither consulted nor fully informed.⁹⁶

69. The Legal Counsel’s opinion was that “the host country was and is under an obligation to grant the visa request of the Chairman of the Executive Committee of the PLO, an organization which has been granted observer status by the General Assembly”, given that the Department of State, in its determination, did not maintain that Mr. Arafat might engage in activities outside the scope of his official functions.⁹⁷

70. The General Assembly, in its resolution 43/48 of 30 November 1988, endorsed the opinion of the Legal Counsel; affirmed the right of the PLO freely to designate the members of its delegation to participate in the sessions and the work of the General Assembly; deplored the failure by the host country to approve the requested entry visa; considered that that decision by the Government of the United States of America constituted a violation of the international legal obligations of the host country under the Headquarters Agreement; urged the host country to abide scrupulously by the provisions of the Agreement and to reconsider and reverse its decision; and requested the Secretary-General to submit a report on developments in the matter

⁹⁴ See A/C.6/43/7, para. 6, reproduced in *United Nations Juridical Yearbook, 1988*, p. 307, para. 6.

⁹⁵ E/2492 of 27 July 1953 and A/2663.

⁹⁶ A/C.6/43/7, para. 8, and *United Nations Juridical Yearbook, 1988*, p. 307, para. 8.

⁹⁷ Ibid., para. 12. See also A/43/26/Add. 1.

by 1 December 1988. The Secretary-General stated in his report⁹⁸ that the host country had informed him that it saw no basis for changing its decision. The General Assembly thereupon deplored the failure of the host country to respond favourably to its request⁹⁹ and decided to consider the question of Palestine at the United Nations Office at Geneva during the period from 13 to 15 December 1988.¹⁰⁰

3. PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE ORGANIZATION

(a) Categories of officials

71. The United Nations determined that freelance translators and interpreters employed by the United Nations for certain periods of increased activities and meetings and sessions were staff members (“officials of the Organization”) within the meaning of Article 105(2) of the Charter. Those translators and interpreters fulfilled, under the authority of the executive heads of the United Nations specialized agencies, tasks that were often of a confidential nature and, where interpreters were concerned, were absolutely essential to the operations of the executive heads, even if it was only for short periods. Each organization must therefore grant the status of international civil servant to this category of personnel.¹⁰¹

(b) Privileges and immunities

***(i) General provisions*

(ii) Qualification or extension of specific privileges and immunities

(a) Immunity from legal process

72. In the notice dated 29 January 1987 from the United States Equal Employment Opportunity Commission (EEOC), referred to in paragraph 25 above, two United Nations officials were named as respondents in addition to the United Nations General Assembly in a discrimination complaint made by a former short-term staff member. The Office of Legal Affairs advised EEOC¹⁰² that United Nations officials could not be made subject to process before the Commission, nor could they be made party to its proceedings pursuant to article V, section 18, of the General Convention. The Commission was further advised that employment by the United Nations was subject to the Staff Regulations and Rules of the United Nations, which provided both administrative and judicial recourse to employees and ex-employees who believed they had been affected by unlawful personnel action, including discriminatory

⁹⁸ A/43/909.

⁹⁹ G A resolution 43/49, para. 1.

¹⁰⁰ *Ibid.*, para. 2.

¹⁰¹ *United Nations Juridical Yearbook, 1988*, pp. 314-315.

¹⁰² *United Nations Juridical Yearbook, 1987*, pp. 206-208.

action. The complainant had not availed himself of those procedures.¹⁰³

73. The Legal Counsel advised the Permanent Representative of a Member State that an employee of a company which was a subcontractor to the UNDP/Office for Project Execution who was involved in a traffic accident could be regarded as having been engaged in official business at the time of the accident and would therefore be immune from legal process under article V, section 18(a), of the General Convention. The United Nations (and UNDP) took the view that any act performed by officials, experts or consultants (or, in the case of UNDP, “persons performing services”) which was directly related to the mission or project, such as driving to and from a project site, would constitute prima facie an official act within the meaning of section 18(a) of the General Convention. Before making a final determination, the Secretary-General would give due consideration to all of the relevant circumstances. If facts arose which would indicate that it would be improper to invoke section 18(a), the Secretary-General would refrain from doing so.¹⁰⁴

(b) Exemption from national income taxation

74. During the period under review, the Secretary-General reported that a number of Governments introduced measures which had the effect of taxing the salaries of locally recruited officials serving in regional or local offices of the United Nations and, in a small number of cases, even of internationally recruited officials serving at United Nations offices abroad.¹⁰⁵ The United Nations was generally successful, however, in obtaining recognition by such Governments of the obligation arising from section 18(b) of the General Convention, which is intended to achieve equality of treatment for all officials, irrespective of nationality, and to ensure that funds contributed by all Members to the budget of the Organization are not diverted to individual States by means of revenue-raising measures.¹⁰⁶

(c) Immunity from national service obligations

75. The Office of Legal Affairs, in a memorandum to the Assistant Secretary-General, Office of Human Resources Management, attempted to reconcile the differing military service provisions of the Economic and Social Commission for Western Asia (ESCWA) Headquarters Agreement of 13 June 1979 and of the General Convention in its advice on the question of the conscription in a host State of a national of that State. The national was a security officer holding a fixed-term appointment at ESCWA. Article 8, paragraph 2, of the ESCWA Headquarters Agreement allowed for the conscription of nationals by the host State,

¹⁰³ *Ibid.*, pp. 207-208.

¹⁰⁴ *United Nations Juridical Yearbook, 1985*, pp. 154-155.

¹⁰⁵ See A/C.5/41/12, para. 10.

¹⁰⁶ *Ibid.*, and A/C.5/43/18, paras. 19-22.

while the General Convention does not have an exception permitting officials to be drafted by their own Governments (article V, sect. 18(c)). The ESCWA Headquarters Agreement provides that “the provisions of this Agreement shall be considered supplementary to the provisions of the [General Convention]. When a provision of this Agreement and a provision of the Convention deal with the same subject, *both provisions shall be considered complementary* whenever possible; both of them shall be applied and neither shall restrict the force of the other”. The Office of Legal Affairs found that the basic provisions on conscription in the Convention and in the ESCWA Headquarters Agreement were substantially equivalent. However, as the Headquarters Agreement contained an exception in respect of nationals of the host State, that exception, which was *lex specialis* and had been negotiated later than the Convention, should prevail over the earlier and more general provision of the Convention. There was therefore no legal ground to oppose the proposed conscription.¹⁰⁷

** (d) Exchange facilities

(e) Exemption from customs duties

76. The Office of Legal Affairs advised UNDP that United Nations officials had 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, including an automobile, (article V, sect. 18(g), of the General Convention). The General Convention, however, does not specify the number of vehicles and appliances which may be imported. This was a matter for local law and regulations.¹⁰⁸

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

77. During the period under review, the majority of office agreements concluded by the United Nations¹⁰⁹ provided for the Director of the centre, in respect of himself, and in respect of his spouse and his relatives dependent on him, the privileges and immunities, exemptions and facilities normally accorded to envoys of international organizations of comparable rank. For this purpose, the Director of the centre was included in the Diplomatic List of the Ministry of Foreign Affairs in the host State.¹¹⁰

¹⁰⁷ *United Nations Juridical Yearbook, 1987*, pp. 211-213.

¹⁰⁸ *Ibid.*, p. 215.

¹⁰⁹ See paras. 10-13 above.

¹¹⁰ See section 7, Agreement between the United Nations and the Government of Nepal regarding the establishment in Kathmandu of the United Nations Regional Centre for Peace and Disarmament in Asia (with Memorandum of Understanding), in *United Nations Juridical Yearbook, 1988*, p. 16; section 7, Agreement between the United Nations and the Government of Peru regarding the establishment in Lima of the Regional Centre for Peace, Disarmament and Development in Latin America, in *United Nations Juridical Yearbook, 1987*, p. 20; section 7, Agreement between the United Nations and the Gov-

78. The exchange of letters constituting an agreement between the United Nations and the Government of the Islamic Republic of Iran establishing the United Nations Iran-Iraq Military Observer Group (UNIIMOG) accorded the Chief Military Observer the privileges and immunities, exemptions and facilities that were enjoyed by diplomatic envoys. The military personnel serving under the Chief Military Observer were accorded the same privileges and immunities as experts performing missions for the United Nations under article VI of the General Convention.¹¹¹

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

79. The administrative instruction of 8 May 1987¹¹² containing model provisions on privileges and immunities with respect to United Nations conferences provides that personnel provided by the Government 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.”¹¹³ It further provides that “all persons performing functions in connection with the Conference ... shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Conference.”¹¹⁴

80. During the period under review, the majority of conference agreements in the form of a treaty concluded between the United Nations and host States provided for such functional immunities for locally recruited staff in accordance with General Assembly resolution 76(I) of 7 December 1946. The majority of agreements concluded by exchanges of letters did not.¹¹⁵ Some agreements qualified the

ernment of the People’s Republic of the Congo on the establishment of a United Nations Information Centre for the People’s Republic of the Congo, in *United Nations Juridical Yearbook, 1986*, p. 28; article 11, Agreement between the United Nations and the Government of the People’s Republic of Benin regarding the establishment of a United Nations Information Centre in Benin, in *United Nations Juridical Yearbook, 1986*, p. 38; para. 6a, Exchange of letters constituting an agreement between the United Nations and the Government of the Polish People’s Republic on the establishment of a United Nations Information Centre in Warsaw, Poland, in *United Nations Juridical Yearbook, 1986*, p. 35; section 10, Agreement between the United Nations (UNHCR) and the Government of Sweden regarding the Office of the UNHCR Representative for Nordic countries to be situated in Stockholm, in *ibid.*, p. 47; article 8, Agreement between the United Nations and the Government of Spain relative to the establishment of a branch office of the Office of UNHCR in Madrid, in *United Nations Juridical Yearbook, 1988*, p. 31.

¹¹¹ *United Nations Juridical Yearbook, 1988*, pp. 18-21.

¹¹² ST/AI/342.

¹¹³ *Ibid.*, article IX, para. 3.

¹¹⁴ *Ibid.*, para. 5.

¹¹⁵ One exception was the exchange of letters constituting an agreement between the United Nations and the Government of Sweden concerning the 1987 Meeting of Experts to Review the Implementation of the World Programme of Action concerning Disabled Persons at the Mid-point of the United Nations Decade of Disabled Persons. Vienna, 26 May and 2 June 1987, *United Nations Juridical Yearbook, 1987*, p. 13.

functional immunities provided. For example, an agreement concluded with the Austrian Federal Government in 1985 provided that “personnel provided by the Government ..., with the exception of those who are assigned to hourly rates, shall enjoy immunity from legal process in respect of words spoken or written and of any act performed by them in their official capacity in connection with the conference. Such immunity shall, however, not apply in case of an accident caused by vehicle, vessel or aircraft.”¹¹⁶ Other agreements did not refer to personnel provided by the host State at all,¹¹⁷ or specifically excluded them from the privileges and immunities granted to other officials.¹¹⁸

81. The majority of agreements concluded between the United Nations and host States establishing United Nations centres, offices or institutions provided in a general paragraph that officials of the centre were entitled to the privileges and immunities provided for in section 18 of the General Convention. A few agreements listed the categories of officials of the centres or branches and specifically provided that officials who were locally recruited staff in the General Service or related categories would only enjoy certain privileges and immunities.¹¹⁹

82. The Office of Legal Affairs, upon a request by the Bureau for Programme Policy and Evaluation, determined that nationally recruited project professional personnel for UNDP did not have the status of staff members of the United Nations because of the exception in the SBAA for “government nationals employed locally”.¹²⁰ This advice was given in the light of a proposed revision of chapter 4500 (Project personnel) of the UNDP Manual and the Model Service Contract therein.

83. The Office of Legal Affairs advised the Bureau for Programme Policy and Evaluation that it understood the

¹¹⁶ Article XIII (5), Agreement between the United Nations and the Austrian Federal Government regarding the arrangements for the 1986 United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations. Signed at New York on 30 December 1985, *United Nations Juridical Yearbook*, 1985, p. 24.

¹¹⁷ For example, Agreement between the United Nations and the Government of Thailand on the United Nations/European Space Agency workshop on microwave remote sensing technology to be hosted by the Government of Thailand from 26 to 30 September 1988. Signed at New York on 16 September 1988, *United Nations Juridical Yearbook*, 1988, p. 20.

¹¹⁸ For example, article XI (4), Agreement between the United Nations and the Government of China regarding arrangements for the thirteenth session of the World Food Council of the United Nations. Signed at Beijing on 4 June 1987, *United Nations Juridical Yearbook*, 1987, p. 12.

¹¹⁹ For example, Agreement between the United Nations and the Government of Spain relative to the establishment of a branch office of the Office of the United Nations High Commissioner for Refugees in Madrid. Signed at Madrid on 14 March 1988, *United Nations Juridical Yearbook*, 1988, pp. 29-31.

¹²⁰ Article IX, 4(a).

term “government nationals employed locally” to include nationally recruited project professional personnel. Negotiations with various countries on the SBAA clearly showed that Governments were highly reluctant, if not expressly opposed, to granting any privileges and immunities to their nationals employed locally for assisting UNDP in carrying out its projects. To negotiate a provision on limited functional immunity for nationally recruited project professional personnel in project documents would therefore require substantive changes in the text of the SBAA. The Office of Legal Affairs advised that it did not appear desirable to single out nationally recruited project professional personnel as a new category of “staff” at that stage. However, if there was a strong necessity to extend several functional immunities to certain nationally recruited project professional personnel, that could be done on an ad hoc basis. That possibility was envisaged in article IX, paragraph 4(a), of the SBAA, which provided that the Government was not required to grant privileges and immunities to its nationals employed locally, “[e]xcept as the Parties may otherwise agree in Project Documents relating to specific projects”.¹²¹

84. The Legal Counsel, in a note verbale to the Permanent Representative of a Member State, referred to a recent law promulgated by the Member State requiring all locally recruited United Nations officials, and all of its nationals working for foreign diplomatic missions and missions of international organizations, to obtain work permits from the municipal authorities. The Legal Counsel stated that he was convinced that the requirement occurred as the result of an oversight or a misinterpretation of the relevant obligations of the Member State. In accordance with article V, section 17, of the General Convention, the Secretary-General was required to communicate to the Governments of Member States the names of United Nations officials. The names to be communicated to the Government would include all locally recruited staff members. Therefore the work permits were unnecessary.¹²²

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

(c) United Nations laissez-passer and travel facilities

85. A memorandum by the Office of Legal Affairs provided the legal background for the United Nations position with respect to the entries for nationality and place of birth in the laissez-passer.¹²³

86. The Legal Counsel, in a note verbale to the Permanent Representative of a Member State which had denied a visa to a United Nations staff member on the basis of her

¹²¹ *United Nations Juridical Yearbook*, 1988, pp. 302-303.

¹²² *United Nations Juridical Yearbook*, 1987, pp. 209-210.

¹²³ *United Nations Juridical Yearbook*, 1986, pp. 296-297.

nationality, drew attention to the fact that the person in question was an official of the United Nations and should receive a visa in her passport because of her status as an international civil servant. Alternatively, the State could issue a visa on her laissez-passer, on which the nationality of the holder was not recorded.¹²⁴

87. The official and private travel of United Nations staff members in the United States was the subject of discussions between the United Nations and the United States as a result of legislation (the so-called Roth Amendment) passed in the United States Congress in 1985 which placed restrictions on travel beyond a 25-mile radius of Columbus Circle, New York City, for international organization officials and their family members of the nationalities of the following States, including those persons who were temporarily assigned: USSR (including the Byelorussian SSR and the Ukrainian SSR), Afghanistan, Cuba, the Islamic Republic of Iran, the Libyan Arab Jamahiriya and Vietnam. The travel restrictions applied to Libyan nationals beyond the five boroughs of New York City. Officials were kept informed of developments and of the practical solutions found in information circulars ST/IC/85/48, ST/IC/85/74 and Corr.1 and ST/IC/85/76, ST/IC/86/4, ST/IC/86/38 and ST/IC/87/42 of 12 September 1985, 17 December 1985, 20 December 1985, 14 January 1986, 23 July 1986 and 30 July 1987 respectively. The United Nations decided as a practical measure to notify the host country of the official travel of all staff members in the United States. The private travel of officials of certain nationalities became subject to prior notification or approval.¹²⁵

88. In 1988, the Secretary-General was informed by the authorities of the United States that the travel regulations were to be extended to staff members of the United Nations, and their dependants, who were nationals of Albania, Bulgaria, Czechoslovakia, the German Democratic Republic, Poland, Romania and Hungary.¹²⁶ The Secretary-General reiterated his previous protest against the regulations on the ground that they constituted restrictive measures, discriminated among members of the Secretariat solely on the basis of their nationality and were therefore in violation of and detrimental to the fundamental principles of the international civil service, as envisaged in the Charter of the United Nations. Staff members were informed of the restrictions by information circular ST/IC/88/57 of 27 September 1988. The Secretary-General continued to notify the host country of the official travel of all staff members in the United States. He also maintained the principle that private travel was the responsibility of the staff members affected by the regulations, as that could not be

¹²⁴ *United Nations Juridical Yearbook, 1985*, pp. 152-153.

¹²⁵ See G A (40), Suppl. No. 26, paras. 23-46, A/C.5/41/12, para. 9; and A/C.5/42/14, para. 16. See also *United Nations Juridical Yearbook, 1985*, pp. 148-150.

¹²⁶ See G A (43), Suppl. No. 26, paras. 24-35.

considered to prejudice the legal position of the United Nations.¹²⁷ The General Assembly adopted resolutions in 1987 and 1988 in which it noted "with concern the restrictions on duty travel of officials".¹²⁸

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

89. On 1 September 1988, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1988/37 by which it requested the Secretary-General to approach the Government of Romania and invoke the applicability of the General Convention in relation to Dumitru Mazilu, a former member of the Sub-Commission. The resolution also requested the Commission on Human Rights to urge the United Nations Economic and Social Council to request an advisory opinion from the International Court of Justice on the applicability of the relevant provisions of the General Convention.

90. Mr. Mazilu was not permitted to travel to Geneva by the Romanian authorities in order to present his report on the question of human rights and youth, which he had been charged to do by the Sub-Commission in August 1985. Although Mr. Mazilu was no longer a member of the Sub-Commission (his term had expired on 31 December 1987), he was considered by the Secretary-General as having the status of an expert on mission for the United Nations within the meaning of article VI, section 22, of the General Convention due to his assignment from the Sub-Commission. On 26 October 1988, the Secretary-General addressed a note verbale to the Permanent Representative of Romania to the United Nations in New York, in which he invoked the General Convention in respect of Mr. Mazilu.¹²⁹

**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, WITNESSES AND EXPERTS

6. PRIVILEGES AND IMMUNITIES OF MEMBERS OF UNITED NATIONS PEACEKEEPING OPERATIONS

91. The Office of Legal Affairs, in a memorandum to the Office of Field Operational and External Support Activities,¹³⁰ advised that locally recruited staff of the United Nations Peacekeeping Force in Cyprus (UNFICYP) were not exempt from taxation on their salaries and emoluments.

¹²⁷ A/C.5/43/18, para. 18.

¹²⁸ G A resolutions 42/219, para. 3 and 43/225, para. 2.

¹²⁹ See A/C.5/43/18, para. 29. The United Nations Economic and Social Council subsequently adopted resolution 1989/75 on 24 May 1989, requesting the International Court of Justice to render an opinion. On 15 December 1989, the Court delivered an advisory opinion on the matter; *I.C.J. Reports 1989*, p.177.

¹³⁰ *United Nations Juridical Yearbook, 1987*, pp. 216-217.

The locally recruited staff were employed by the Civilian Establishment and Pay Office (CEPO) of the British Force in Cyprus. An employer-employee relationship was not

evidenced between UNFICYP and the civilian personnel provided by CEPO, which would have allowed such an exemption.

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

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

Annex I**Member States which became parties to the Convention on the Privileges
and Immunities of the United Nations between 1 January 1985
and 31 December 1988**

<i>State</i>	<i>Accession/Succession</i>
Saint Lucia	27 August 1986 (s)
Dominica	24 November 1987 (s)
Viet Nam	6 April 1988 ^a (a)
Antigua and Barbuda	25 October 1988 (s)

^a The Government of Viet Nam made the following reservations:

1. Disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice for settlement only with the consent of all parties concerned;
2. The opinion of the International Court of Justice referred to in article VIII, section 30, shall be merely advisory and shall not be considered decisive without the consent of all parties.

Annex II

Agreements containing provisions on privileges and immunities concluded by the United Nations during the period under review

Technical cooperation and assistance	Description
	Agreement between the United Nations and the Government of the Republic of the Niger concerning assistance in the field of statistics and computer science. Signed on 22 February 1985
	Agreement between the United Nations (International Development Association) and the Government of India concerning a water resources management study in various basins in Tamil Nadu State. Signed at Washington on 28 and 29 March 1985
	Agreement between the United Nations and the Government of Spain concerning technical cooperation. Signed at Madrid on 19 April 1985
	Exchange of letters constituting an agreement between the United Nations (United Nations Relief and Works Agency for Palestine Refugees in the Near East) and the Government of Cyprus relating to the assignment of UNRWA staff to Cyprus. Vienna, 26 June 1985, and Nicosia, 5 July 1985
	Agreement between the United Nations/FAO/World Food Programme and the Federative Republic of Brazil concerning assistance from the World Food Programme. Signed at Brasilia on 2 February 1987
	Exchange of letters constituting an agreement between the United Nations and the Government of the Islamic Republic of Iran establishing the United Nations Iran-Iraq Military Observer Group. New York, 19 August 1988, and Tehran, 28 March 1989
(a) United Nations Children's Fund (UNICEF)	
	Agreement between UNICEF and the Government of the Democratic People's Republic of Korea* concerning the activities of UNICEF in the Democratic People's Republic of Korea. Signed at Pyongyang on 25 May 1985
	Agreement between UNICEF and the Government of Barbados. Signed at Bridgetown on 7 February 1986
	Agreement between UNICEF and the Government of Botswana.** Signed at Gaborone on 21 August 1986
	Agreement between UNICEF and the Government of Oman.** Signed at Muscat on 5 September 1987
	Agreement between UNICEF and the Government of Lesotho. Signed at Maseru on 24 September 1987
	Agreement between UNICEF and the Government of Mauritius. Signed at Port Louis on 24 September 1987
	Agreement between UNICEF and the Government of Zambia. Signed at Lusaka on 30 and 31 December 1987
	Basic Agreement between UNICEF and the Government of Djibouti concerning the activities of the United Nations Children's Fund in Djibouti. Signed at Djibouti on 2 November 1988

(b) United Nations Development Programme (UNDP)	
	Standard Basic Agreement between UNDP and the Government of Saint Christopher and Nevis.** Signed at Saint Christopher and Nevis on 30 January 1985
	Agreement between UNDP and the Government of Argentina. Signed at Buenos Aires on 26 February 1985
	Standard Basic Agreement between UNDP and the Government of Lebanon. Signed at Beirut on 10 February 1986
	Standard Basic Agreement between UNDP and the Government of Bangladesh. Signed at Dhaka on 25 November 1986
	Agreement between UNDP and the Government of Egypt. Signed at Cairo on 19 January 1987
	Agreement between UNDP and the Government of Kiribati.* Signed at Tarawa on 5 May 1987
	Agreement between UNDP and the Government of Burma. Signed at Rangoon on 17 September 1987
	Standard Basic Assistance Agreement between the United Nations (UNDP) and the Government of Nigeria. Signed at Lagos on 12 April 1988
(c) United Nations Industrial Development Organization (UNIDO)	
	Exchange of letters constituting an agreement between UNIDO and the Government of Switzerland* concerning the continuation of a UNIDO service in Switzerland for the strengthening of industrial cooperation and promotion of investment in developing countries. Berne and Vienna, 20 June 1985
(d) United Nations Revolving Fund for Natural Resources Exploitation (UNRFNRE)	
	Project Agreement between UNRFNRE and the Government of Rwanda. Signed at Kigali on 14 March 1985
	Project Agreement between UNRFNRE and Saint Lucia** (with letter of Agreement for management services to be provided by UNRFNRE and finances by USAID). Signed at Castries on 9 July 1985
	Project Agreement between UNRFNRE and the Republic of Honduras. Signed at Tegucigalpa on 9 August 1985
	Project Agreement between UNRFNRE and the People's Republic of the Congo. Signed at Brazzaville on 9 September 1985
	Project Agreement between UNRFNRE and the Government of the Republic of Côte d'Ivoire. Signed at Abidjan on 28 February 1986
	Project Agreement between UNRFNRE and the Government of Mexico. Signed at Mexico City on 24 March 1986
(e) United Nations High Commissioner for Refugees	
	Tripartite Agreement between UNHCR and the Governments of France and Suriname** on the voluntary repatriation of the Surinamese refugees. Signed at Paramaribo on 25 August 1988

Establishing UN offices, centres and institutions	Description
	Agreement between the United Nations and the Government of Pakistan [concerning the preparation of feasibility reports for the establishment of high-technology research and development institutes]. Signed at Islamabad on 2 April 1985 and at New York on 23 May 1985
	Agreement between the United Nations (United Nations High Commissioner for Refugees) and the Government of Sweden regarding the office of the UNHCR representative for Nordic countries to be situated in Stockholm. Signed at Geneva and Stockholm on 31 August and 30 September 1985, respectively
	Exchange of letters constituting an agreement between the United Nations and the Government of the Polish People's Republic on the establishment of a United Nations information centre in Warsaw, Poland. New York, 25 April 1986
	Agreement between the United Nations and the Government of the People's Republic of Benin** regarding the establishment of a United Nations information centre in Benin. Signed at New York on 21 May 1986
	Letter of Agreement between the United Nations and the Government of Bahrain** concerning the establishment of a sub-office of the United Nations Development Programme in Manama, State of Bahrain. Signed at New York and Manama on 27 August and 7 September 1986, respectively
	Memorandum of Understanding between the United Nations and the Government of Belgium relating to the establishment of an International Centre for Training and Research in Population and Development in association with the United Nations at the Catholic University of Louvain, Louvain-la-Neuve. Signed at Brussels and New York on 19 September and 10 October 1986, respectively
	Agreement between the United Nations and the Government of Peru regarding the establishment in Lima of the Regional Centre for Peace, Disarmament and Development in Latin America. Signed at New York on 25 September 1987
	Agreement between the United Nations and the Government of Egypt relating to the continuation and further extension of the Interregional Centre for Demographic Research and Training established at Cairo. Signed at Cairo on 22 December 1987
	Agreement between the United Nations and the Government of Spain relative to the establishment of a branch office of the Office of the United Nations High Commissioner for Refugees in Madrid. Signed at Madrid on 14 March 1988
	Agreement between the United Nations and the Government of Nepal regarding the establishment in Kathmandu of the United Nations Regional Centre for Peace and Disarmament in Asia (with Memorandum of Understanding). Signed at New York on 8 June 1988
United Nations sessions, meetings, seminars, workshops, or trainings	Description
	Exchange of letters constituting an agreement between the United Nations and the Government of the Netherlands (Netherlands Antilles) concerning hosting by the Government of the Netherlands Antilles of the United Nations Interregional Seminar on the Use of Non-conventional Water Resources in Developing Countries, to be held in Curaçao from 22 to 26 April 1985. New York, 12 September 1984, and Willemstad, 27 December 1984.
	Exchange of letters constituting an agreement between the United Nations and the Government of Papua New Guinea concerning the arrangements for the Asia and Pacific Regional Seminar of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to be held at Port Moresby from 4 to 6 March 1985. Port Moresby, 1 March 1985

	Exchange of letters constituting an agreement between the United Nations and the Government of Turkey concerning arrangements for an Interregional Symposium on Karst Water Resources, to be held at Ankara and Antalya from 7 to 19 July 1985. New York, 10 January and 4 March 1985
	Agreement between the United Nations and the Government of Jamaica regarding arrangements for the eighth session of the Commission on Human Settlements of the United Nations [to be held at Kingston from 29 April to 10 May 1985]. Signed at New York on 5 March 1985
	Understanding between the United Nations and the Government of Canada on an Ad Hoc Meeting of Experts to review the United Nations Manual on Criminal Justice Statistics, to be held at Ottawa from 25 to 27 March 1985. Signed at Vienna on 15 March 1985
	Agreement between the United Nations and the Government of the People's Republic of Bulgaria on a United Nations Workshop on Remote Sensing Instrumentation, Data Acquisition and Analysis, organized in cooperation with the Government of the People's Republic of Bulgaria [to be held at Sofia and Stara Zagora from 29 April to 11 May 1985]. Signed at New York on 2 April 1985
	Letter of agreement between the United Nations and the Government of the Republic of Tunisia regarding the extraordinary session of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [Special Committee of 24] in connection with the observance of the twenty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to be held at Tunis from 13 to 17 May 1985. Signed at Tunis on 13 May 1985
	Agreement between the United Nations and the Government of the French Republic regarding arrangements for the eleventh session of the World Food Council of the United Nations [to be held in Paris from 10 to 13 June 1985]. Signed at Paris on 15 May 1985
	Agreement between the United Nations and the Government of the Union of Soviet Socialist Republics on the United Nations International Seminar on Satellite Communications [to be held in Moscow from 20 to 31 May 1985]. Signed at New York on 17 May 1985
	Agreement between the United Nations and the Government of the People's Republic of China on the United Nations Workshop on Advances in Space Science and Technology and its Applications [to be held at Beijing from 21 to 29 October 1985]. Signed at New York on 15 October 1985
	Agreement between the United Nations and the Government of India on the United Nations Workshop on Space Science and Technology and its Applications within the Framework of Educational Systems [to be held at Ahmedabad from 4 to 8 November 1985]. Signed at New York on 1 November 1985
	Agreement between the United Nations and the Austrian Federal Government regarding arrangements for the 1986 United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations. Signed at New York on 30 December 1985
	Exchange of letters constituting an agreement between the United Nations and the Government of France concerning the United Nations Symposium on the Economics of Small Renewable Energy Systems for Developing Countries [to be held at Sofia Antipolis, France, from 3 May to 6 June 1986]. New York, 13 and 20 February 1986
	Agreement between the United Nations and the Government of Turkey regarding the arrangements for the ninth session of the Commission on Human Settlements of the United Nations [to be held at Istanbul from 5 to 16 May 1986]. Signed at Nairobi on 16 April 1986

	Exchange of letters constituting an agreement between the United Nations and the Government of Japan concerning the arrangements for the Second Congress of Local Authorities in Asia and the Pacific [to be held at Nagoya from 21 to 27 July 1987]. Bangkok, 23 April 1986
	Agreement between the United Nations and the Government of Colombia on a United Nations meeting of experts on regional cooperation in space science and technology and its applications [to be held at Cartagena from 16 to 20 June 1986]. Signed at United Nations Headquarters in New York on 11 June 1986
	Agreement between the United Nations and the Government of the Democratic Socialist Republic of Sri Lanka** on the United Nations Regional Meeting of Experts on Space Technology Applications in the Indian Ocean Region [to be held at Colombo from 15 to 19 September 1986]. Signed at United Nations Headquarters in New York on 14 August 1986
	Agreement between the United Nations and the Government of Ecuador on the third United Nations/World Meteorological Organization/Food and Agriculture Organization of the United Nations/European Space Agency International Training Course on Remote Sensing Applications to Operational Agrometeorology and Hydrology [to be held at Quito from 21 October to 7 November 1986]. Signed at United Nations Headquarters in New York on 15 September 1986
	Exchange of letters constituting an agreement between the United Nations and the Government of France concerning arrangements for the meeting of the Steering Committee on the survey of national family policies. Vienna, 25 and 26 September 1986
	Agreement between the United Nations and the Government of Mexico on the United Nations Meeting of Experts on Space Science and Technology and its Applications within the Framework of Educational Systems [to be held at Mexico City from 13 to 17 October 1986]. Signed at United Nations Headquarters in New York on 8 October 1986
	Agreement between the United Nations and the Government of Nigeria on the United Nations Meeting of Experts on Space Science and Technology and its Applications within the Framework of Educational Systems [to be held at Lagos from 27 April to 1 May 1987]. Signed at New York on 27 February 1987
	Exchange of letters constituting an agreement between the United Nations and the Government of Sweden concerning the 1987 Meeting of Experts to Review the Implementation of the World Programme of Action concerning Disabled Persons at the Mid-point of the United Nations Decade of Disabled Persons. Vienna, 26 May and 2 June 1987
	Agreement between the United Nations and the Government of China regarding arrangements for the thirteenth session of the World Food Council of the United Nations [to be held at Beijing from 8 to 11 June 1987]. Signed at Beijing on 4 June 1987
	Agreement between the United Nations and the Government of Indonesia on the Fourth United Nations/World Meteorological Organization/FAO/European Space Agency International Training Course on Remote Sensing Applications to Operational Agrometeorology and Hydrology [to be held at Jakarta from 13 to 30 October 1987]. Signed at New York on 19 August 1987
	Exchange of letters constituting an agreement between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland regarding the United Nations Sugar Conference, 1987. Geneva, 20 and 28 August 1987
	Agreement between the United Nations and the Government of the German Democratic Republic on the United Nations International Training Course on Remote Sensing Applications to Geological Sciences [to be held at Dresden from 6 to 23 October 1987]. Signed at New York on 3 September 1987

	Exchange of letters constituting an agreement between the United Nations (Economic and Social Commission for Asia and the Pacific) and the Government of Indonesia concerning the arrangements for the forty-fourth session of the Economic and Social Commission for Asia and the Pacific, to be held at Jakarta from 11 to 20 April 1988. Bangkok, 29 January 1988
	Agreement between the United Nations and the Government of Lesotho regarding the arrangements for the Regional Seminar on the United Nations Commission on International Trade Law Texts and International Trade Law, to be held at Maseru from 25 to 30 July 1988. Signed at New York on 14 July 1988
	Agreement between the United Nations and the Government of Thailand on a United Nations/European Space Agency workshop on microwave remote sensing technology, to be hosted by the Government of Thailand from 26 to 30 September 1988. Signed at New York on 16 September 1988
	Agreement between the United Nations and the Government of Peru on a United Nations workshop on regional space information systems, to be hosted by the Government of Peru from 24 to 28 October 1988. Signed at New York on 20 October 1988
Peacekeeping	Description
	Exchange of letters constituting an agreement between the United Nations and the Government of the Islamic Republic of Iran establishing the United Nations Iran-Iraq Military Observer Group. New York, 19 August 1988, and Tehran, 28 March 1989

* Non-party to the General Convention and to the Charter of the United Nations at the time the agreement was concluded.

** Non-party to the General Convention at the time the agreement was concluded.