

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1965

Part One. Legal status of the United Nations and related inter-governmental organizations

Chapter II. Treaty provisions concerning the legal status of the United Nations and related inter-governmental organizations



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Chapter II

TREATY PROVISIONS CONCERNING THE LEGAL STATUS
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A. Treaty provisions concerning the legal status of the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.¹ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1965:²

<i>State</i>	<i>Date of receipt of instrument of accession</i>
Kenya	1 July 1965
Nepal	28 September 1965
Trinidad and Tobago	19 October 1965

This brought up to 92 the number of States parties to the Convention.

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

(a) Agreement between the United Nations and the Government of Niger concerning the establishment of a sub-regional office of the United Nations Economic Commission for Africa.³ Signed at Niamey on 20 November 1963

The Government of the Republic of the Niger (hereinafter called "the Government") and the United Nations,

Mindful of resolution 64 (IV) of the United Nations Economic Commission for Africa to set up a sub-regional office for Western Africa to be sited at Niamey,

Desiring to conclude an agreement for the purpose of regulating questions arising from the offer of the Government, and the acceptance thereof by the United Nations, to grant to the United Nations the use of the land, buildings, appurtenances and installations described in the annexes to this Agreement without charge to the United Nations,

¹ United Nations, *Treaty Series*, vol. 1, p. 15.

² The Convention is in force with regard to each State which deposited an instrument of accession with the Secretary-General of the United Nations as from the date of its deposit.

³ Came into force on 2 June 1964.

Being concerned to ensure the effective functioning of the sub-regional office for Western Africa by supplementing, to the extent necessary, the Convention on the Privileges and Immunities of the United Nations to which the Government of the Niger acceded on 25 August 1961,

Have nominated as their representatives for this purpose: the Government of the Republic of the Niger: Mr. Courmo Barcougne, Minister of Finance and Economic Affairs, the United Nations: Mr. R.K.A. Gardiner, Executive Secretary of the Economic Commission for Africa, who have agreed as follows:

Article I

Definitions

Section 1. In this Agreement:

(a) The expression "premises" means the land described in annex I to this Agreement and any buildings, appurtenances and installations erected thereon;

(b) The expression "furnishings" means the furnishings described in annex II to this Agreement;

(c) The expression "Organization" means the United Nations;

(d) The expression "sub-regional office" means the sub-regional office of the United Nations Economic Commission for Africa at Niamey;

(e) The expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations as adopted by the General Assembly of the United Nations on 13 February 1946 and acceded to by the Government of the Republic of the Niger on 25 August 1961;

(f) The expression "Director" means the Director in charge of the sub-regional office, his deputy or any other official of the Organization who is in charge of the sub-regional office at the time.

Article II

Title to and use of premises

Section 2. The title to the premises shall remain with the Government. The Government shall grant to the Organization, without compensation, the use of such premises for housing the sub-regional office or for any other United Nations purposes which the Organization deems necessary. The Organization shall not be required to give to the Government any bond or security whatsoever.

Section 3. The Government shall provide the necessary furnishing for the premises.

Article III

Control and protection of the premises

Section 4. The premises shall be inviolable and shall be under the control and authority of the Organization, as provided in this Agreement.

Section 5. (a) Officers or officials of the Government, whether administrative, judicial, military or police, shall not enter the premises to perform any official duties therein except with the consent of and under conditions agreed to by the Director.

(b) Without prejudice to the provisions of the General Convention or of this Agreement, the sub-regional office shall prevent the premises from becoming a refuge for persons who are avoiding arrest under any law of the Government, or who are required by the Government for extradition to another country or who are endeavouring to avoid service of legal process.

Section 6. (a) The Government shall exercise due diligence through its appropriate authorities to ensure that the tranquillity of the premises is not disturbed by the unauthorized entry of groups of persons from outside or by disturbance in their immediate vicinity. It shall cause to be provided on the boundaries of the premises such police protection as is required for these purposes.

(b) If so requested by the Director, the Government shall take the necessary steps for the preservation of law and order in the premises and for the removal therefrom of persons as requested under the authority of the Director.

Article IV

Access to the premises

Section 7. (a) The Government shall not impede the transit to or from the premises of the following persons;

- (i)* Officials of the sub-regional office, and their families;
- (ii)* Persons, other than officials of the sub-regional office, performing missions for the sub-regional office, and their spouses;
- (iii)* Other persons invited to the premises on official business; the Director shall communicate the names of such persons to the Government;
- (iv)* Representatives of any organs of information whom the Organization may have decided to accept after consultations with the Government.

(b) This section shall not apply to general interruptions of transport and shall not impede the enforcement of the law.

(c) This section shall not imply exemption from the obligation to produce reasonable evidence to establish that persons claiming the rights granted under this section are included in the categories specified in paragraph *(a)*.

(d) The necessary visas shall be granted promptly and, in the case of the persons referred to in paragraph *(a)* above, free of charge.

Article V

Representatives of Governments

Section 8. The representatives of Governments, participating in the work of the sub-regional office or in any conference which may be convened by the Organization at the premises of the sub-regional office, shall be entitled in the territory of the Republic of the Niger, while exercising their functions and during their journey to and from the premises of the sub-regional office, to the same privileges and immunities as are accorded to diplomatic envoys of comparable rank under international law.

Article VI

Officials of the Organization

Section 9. Officials of the Organization shall enjoy in the territory of the Niger the following privileges and immunities:

- (a)* Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the Organization;
- (b)* Immunity from personal arrest or detention;
- (c)* Immunity from seizure of their personal and official baggage;

- (d) Exemption from taxation on the salaries and emoluments paid to them by the Organization;
- (e) Immunity from national service obligations;
- (f) Immunity, together with members of their families and their personal employees, from immigration restrictions and alien registration;
- (g) The same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of diplomatic missions to the Government;
- (h) The same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys;
- (i) Exemption for officials, other than nationals of the Niger and permanent foreign residents of the Niger, from any form of direct taxation on income derived from sources outside the Niger, and the freedom to maintain within the Niger, or elsewhere, foreign securities, and other movable and immovable property, and whilst employed by the United Nations in the Niger, and at the time of termination of such employment, the right to take out of the Niger, funds in currencies other than that of the Niger without any restrictions or limitations, provided that the said officials can show good cause for their lawful possession of such funds;
- (j) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects within twelve months after first taking up their post in the Niger; the same regulations shall apply for other than nationals of the Niger and permanent foreign residents of the Niger in the case of importation, transfer and replacement of automobiles, as are in force for the resident members of diplomatic missions of comparable rank.

Section 10. All officials of the Organization working at the sub-regional office shall be provided with a special identity card certifying that they are officials of the Organization enjoying the privileges and immunities specified in this Agreement.

Section 11. (a) The Government shall accord to the Director and to such of his immediate assistants as may be agreed between the Organization and the Ministry of Foreign Affairs the privileges and immunities indicated in paragraph 2 of Article 105 of the United Nations Charter.

(b) For this purpose the Director and the immediate assistants referred to in paragraph (a) above shall be incorporated by the Ministry of Foreign Affairs into the appropriate diplomatic categories and shall enjoy the Customs exemptions granted to such diplomatic categories in the Niger.

Section 12. The privileges and immunities accorded by this article are granted in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General of the Organization shall waive the immunity of any official in any case where, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 13. The United Nations shall co-operate at all times with the appropriate authorities of the Niger to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities mentioned in this article.

Article VII

Public services and utilities

Section 14. The Organization shall be responsible for the payment for electricity and water supplies, telephone services and other similar public utility services for the premises.

Section 15. The Government shall exercise, to the extent requested by the Director, the powers which it possesses with respect to the supplying of public utility services to ensure that the premises are provided with the necessary services on equitable terms. In case of interruption or threatened interruption of such services, the Government shall consider the needs of the sub-regional office as being of the same importance as the similar needs of essential agencies of the Government and shall take the necessary steps to ensure that the work of the sub-regional office is not prejudiced.

Article VIII

Communication and transport

Section 16. The Organization shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other government or to any other international organization, including foreign diplomatic missions in the Niger.

Section 17. (a) No censorship shall be applied to the official correspondence or other communications of the Organization. Such immunity shall extend, without limitation by reason of this enumeration, to publications, documents, still and moving pictures, films and sound recordings;

(b) The Organization shall have the right to use codes and to dispatch and receive official correspondence and, without limitation by reason of this enumeration, publications, documents, still and moving pictures, films and sound recordings, either by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Section 18. (a) The Organization shall have the authority to install and operate at the sub-regional office for its exclusive official use a radio sending and receiving station or stations to exchange traffic with the United Nations radio network, subject to the provisions of article 45 of the International Telecommunication Convention relating to harmful interference. The frequencies on which any such station may be operated shall be agreed between the Organization and the Government and shall be duly communicated by the Organization to the International Frequency Registration Board.

Section 19. (a) The Organization shall be entitled, for its official purposes, to use transportation operated by the Government at the same rates and treatment as may be granted to resident diplomatic missions.

(b) Aircraft operated by or for the Organization shall be exempt from all charges, except those for actual service rendered, and from fees or taxes incidental to the landing at, parking on or taking off from any aerodrome in the Niger. Except as limited by the preceding sentence, nothing herein shall be construed as exempting such aircraft from full compliance with all applicable rules and regulations governing the operation of flights into, within, and out of the territory of the Republic of the Niger.

Article IX

Maintenance of the premises alterations and insurance

Section 20. The Organization shall keep the premises in good condition and shall make the necessary repairs for this purpose, except for such repairs as may be required by major structural damage, for which the Government shall be responsible.

Section 21. The Government shall if it deems it advisable, take out insurance for the protection of the premises, including the furnishings.

Section 22. The Organization shall be entitled to make alterations to the premises and to erect any construction or fixed installations therein, after consultations with the Government on the manner in which such changes will be carried out and the means to finance them.

Section 23. The Organization shall provide passes for entry into the premises to duly authorized employees of the Government or of its agencies or subdivisions for the purpose of inspecting, repairing, maintaining, constructing or relocating utilities, conduits, mains and sewers within the premises.

Article X

Liability for loss, injury, etc.

Section 24. The Government shall not be liable for any injury, loss or damage suffered by the Organization or by its agents, invitees or licensees arising solely and exclusively from the fault of the Organization or its agents in the operation of the premises.

Article XI

Use of the conference building by the Government

Section 25. Whenever the use of the conference building, as described in annex I of this Agreement, is not required for the needs of the Organization, the latter may make the accommodations which the said building comprises available to the Government, on the following terms:

- (a) The conference building shall be made available to the Government only for such international conferences as the Government may wish to convene at Niamey independently of United Nations conferences or for meetings of international bodies outside the United Nations family.
- (b) The Government shall notify the Director of its requirements for accommodations sufficiently in advance and may use the conference building only after written consent by the Director stating the dates on which the building may be so used or in accordance with a general meetings schedule accepted in advance by the Organization and the Government following consultations between the Director and the representatives of the Government.
- (c) During the periods in which the conference building is made available to the Government under the terms of this article, control and authority over the said building shall be transferred to the Government and the provisions of article III, sections 4 and 5, shall not apply with respect to the building.
- (d) During the periods in which the conference building is made available to the Government under the terms of this article, the Organization shall not be liable for any injury, loss or damage suffered by the Government or by its agents, invitees, or licensees arising from the use of the said building.
- (e) During the periods in which the conference building is made available to the Government, the latter shall be responsible for the working expenses of the building. Reimbursement of the amounts due to the Organization in this respect shall be the subject of special arrangements between the Director and the Government.

Article XII

Termination

Section 26. In the event that this Agreement is terminated:

1. The Organization shall surrender the premises, including the furnishings, to the Government in as good condition as reasonable wear and tear will permit.

2. The Organization shall restore the premises to the shape and state they were in when received, if alterations, constructions or fixed installations under section 22 of this Agreement impair the usefulness of the premises for the purposes of offices or meetings. In any other event, the Organization shall be under no obligation to restore and the Government shall pay the United Nations the then fair value of alterations, constructions or fixed installations paid for entirely by the Organization.

Article XIII

Interpretation and application

Section 27. The provisions of the General Convention and of this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary, so that the provisions of both shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

Section 28. This Agreement shall be interpreted in the light of its primary purpose to enable the sub-regional office fully and efficiently to discharge its responsibilities and to fulfil its objectives.

Article XIV

Settlement of disputes

Section 29. Any dispute between the Organization and the Government concerning the interpretation or application of this Agreement or of any supplementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Government, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

Article XV

General provisions

Section 30. This Agreement shall cease to be in force twelve months after either of the parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to the normal cessation of the activities of the sub-regional office in the Niger.

Section 31. This Agreement shall enter into force upon notification by the Government to the Organization that the Agreement has been ratified in accordance with the constitutional processes of the Republic of the Niger.

Done in the French language in duplicate at Niamey on 20 November 1963.

For the United Nations:

R.K.A. GARDINER

*Executive Secretary
of the Economic Commission for Africa*

For the Government
of the Republic of the Niger:

Courmo BARCOUGNE

Minister of Finance and Economic Affairs

Annex 1

LAND, BUILDINGS, APPURTENANCES AND INSTALLATIONS OF THE SUB-REGIONAL OFFICE OF THE UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA AT NIAMEY

Article 1

The boundaries of the land and the building plans for the premises shall be as described in the attached plan.

Article 2

The premises shall form a rectangle of approximately 240 metres from east to west and 200 metres from north to south, surrounded by three streets, being street No. 8 on the east, and unnamed streets on the south and west.

(b) Exchange of letters constituting an agreement between the United Nations and the Government of Mexico regarding the arrangements for the session of the Special Committee of Principles of International Law concerning Friendly Relations and Co-operation among States to be held in Mexico City from 27 August to 1 October 1964.⁴ New York, 16 and 17 July 1964

III. *Local personnel for the session*

...

2. The Government agrees to indemnify and hold harmless the United Nations from any and all actions, causes of actions, claims or other demands arising out of employment for the United Nations of the personnel referred to in this article.

...

V. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations which has been acceded to by Mexico shall be applicable in accordance with such accession to the session of the Committee. The Conference area, comprising conference rooms and offices and ancillary facilities, shall, for the duration of their occupancy by the United Nations for purposes of the session of the Committee, be considered as premises of the United Nations, and immediate access thereto shall be under the control and authority of the United Nations, subject to the provisions of article II [on police protection] of the present Agreement.

2. Officials of the United Nations performing functions in connexion with the session shall enjoy the privileges and immunities provided by articles V and VII of the Convention in accordance with the accession of Mexico. Officials of any specialized agencies representing their agencies or performing functions in connexion with the session shall enjoy the same privileges and immunities as enjoyed by the officials of the United Nations.

3. Representatives and observers of States Members of the United Nations or observers of members of the specialized agencies shall enjoy the privileges and immunities provided in article IV of the Convention on the Privileges and Immunities of the United Nations in accordance with the accession of Mexico.

4. Without prejudice to the application of the Convention as provided above, all participants and all persons performing functions in connexion with the session shall enjoy all such facilities as are necessary for the independent exercise of their functions in connexion with the session.

⁴ Came into force on 17 July 1964.

5. The following classes of persons shall be entitled to unimpeded entry to and exit from Mexico City for the period necessary for the performance of their functions in connexion with the session, access to the conference premises, facilities for speedy travel and visas free of charge:

- (a) Representatives or observers of States mentioned in paragraph 3 above, and their immediate families;
- (b) Officials of the United Nations and of the specialized agencies mentioned in paragraph 2 above, and their immediate families;
- (c) Representatives of interested non-governmental organizations having consultative status with the United Nations;
- (d) Representatives of information media accredited by the United Nations in accordance with its established procedure and after consultation with the Government; and
- (e) Other persons formally invited to the conference by the United Nations on official business.

(c) Agreement between the United Nations and the Government of Monaco concerning the arrangements for the January 1966 session of the United Nations International Law Commission.⁵ Signed at Geneva on 17 December 1965

IV. *Local personnel for the session*

...

- 3. [Similar to article III (2) in (b) above]

VII. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable to the session. Members of the Commission shall enjoy the privileges and immunities accorded under the Convention to experts on missions for the United Nations. Officials of the United Nations who are members of the secretariat of the Commission shall enjoy the privileges and immunities provided for United Nations officials under that Convention.

2. For the period of the session the area mentioned in article I shall be deemed to constitute United Nations premises within the meaning of the provisions of article II, section 2, of the Convention on the Privileges and Immunities of the United Nations, and immediate access to that area shall be under the control of the United Nations.

3. The Government shall impose no impediment to the transit to and from the place of the session of any persons whose presence at the session is authorized by the United Nations or of any persons in their immediate families, and shall grant any visas required for such persons promptly and without charge.

(d) Agreement between the United Nations and the Government of Kenya regarding the arrangements for the seventh session of the Economic Commission for Africa.⁶ Signed at Addis Ababa and Nairobi on 11 December 1964

V. *Local personnel*

...

- (3) [Similar to article III (2) in (b) above]

⁵ Came into force on 17 December 1965.

⁶ Came into force on 11 December 1964.

VI. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations shall be fully applicable with respect to the session. Accordingly, officials of the United Nations performing functions in connexion with the session shall enjoy the privileges and immunities provided in articles V and VII of the said Convention.

2. Officials of the specialized agencies performing functions in connexion with the session shall enjoy the privileges and immunities provided under the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Without prejudice to the provisions of the preceding paragraphs, all participants and all persons performing functions in connexion with the session shall enjoy such privileges and immunities, facilities and courtesies, as are necessary for the independent exercise of their functions in connexion with the session.

4. Representatives and observers of States, Members of the United Nations or observers of members of the specialized agencies shall enjoy the privileges and immunities provided in article IV of the Convention on the Privileges and Immunities of the United Nations.

5. All participants and all persons performing functions in connexion with the session who are not nationals of Kenya shall have the right of entry into and exit from the country. They shall be granted facilities for speedy travel. Visas, where required, shall be granted promptly and free of charge.

6. The area designated under article I shall be deemed to constitute United Nations premises, and access to the conference area and to office space therein shall be under the control and authority of the United Nations.

(e) Agreement between the United Nations and the Government of Zambia regarding the arrangements for the Conference on Harmonization of Industrial Development Programmes and Other Problems of Economic Co-operation in East Africa.⁷ Signed at Lusaka on 23 October 1965

This agreement contains articles similar to articles V (3) and VI of the agreement mentioned under (d) above.

(f) Agreement between the United Nations and the Government of the United Arab Republic regarding the arrangements for the Symposium on Industrial Development in Africa.⁸ Signed at Addis Ababa on 26 November 1965

This agreement contains articles similar to articles V (3) and VI of the agreement mentioned under (d) above, except that article VI (4) reads as follows:

(4) Representatives and observers of members and associate members of the Economic Commission for Africa and representatives of the specialized agencies and the International Atomic Energy Agency, shall enjoy the privileges and immunities provided in article IV of the Convention on the Privileges and Immunities of the United Nations.

(g) Agreement between the United Nations and the Government of Iran regarding the arrangements for the 18th session of the United Nations Commission on the Status of Women.⁹ Signed at Geneva on 16 February 1965

⁷ Came into force on 23 October 1965.

⁸ Came into force on 26 November 1965.

⁹ Came into force on 16 February 1965.

IV. *Local personnel for the Conference*

...

3. [Similar to article III (2) in (b) above]

VI. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations, to which Iran is a party, shall be applicable with respect to the Conference, and the officials of the United Nations connected with the Conference shall be accorded the privileges and immunities specified therein.

2. Representatives of States Members of the United Nations as well as representatives of States non-members of the United Nations shall enjoy the privileges and immunities accorded to representatives of States Members of the Organization by the Convention on the Privileges and Immunities of the United Nations.

3. Representatives of the specialized agencies and other inter-governmental organizations invited to the Conference shall enjoy the same privileges and immunities as accorded to officials of comparable rank of the United Nations.

4. For the purpose of this Conference, the area designated under section I shall be deemed to constitute United Nations' premises, within the meaning of the provisions of article II, section 2, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, so that the United Nations shall enjoy the privileges and immunities provided thereby. Access to the Conference area and to the office space therein shall be under control and authority of the United Nations.

5. The Government shall impose no impediment to transit to and from the Conference of any persons whose presence at the Conference is authorized by the United Nations and of any persons in their immediate families and shall grant any visa required for such persons promptly and without charge.

(h) Agreement between the United Nations and the Government of Sweden concerning the arrangements for the third United Nations Congress on the Prevention of Crime and the Treatment of Offenders.¹⁰ Signed at Geneva on 16 June 1965

VII. *Claims for damage and injury*

1. The Government shall be responsible for dealing with any actions, causes of action, claims or other demands which may be brought against the Organization for damage to the Congress facilities mentioned in article II [on premises, equipment, utilities and supplies] for damage or injury to persons or property caused to third persons by the vehicle(s) [to be provided by the Government] referred to in article III or to the chauffeur(s) of such vehicle(s), or arising out of the employment of the personnel referred to in article V, and shall hold the United Nations and its officials harmless in respect of any such actions, causes of action, claims or other demands.

VIII. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations and of the Specialized Agencies, to which the Government of Sweden is a party, shall be applicable in respect of the Congress. Congress premises for the purpose of such application shall be deemed to constitute premises of the United Nations, and access thereto shall be under the control and authority of the United Nations.

¹⁰ Came into force on 16 June 1965.

2. Officials of the United Nations performing functions in connexion with the Congress shall enjoy the privileges and immunities provided by articles V and VII of the Convention on the Privileges and Immunities of the United Nations. It is understood, however, that local personnel provided by the Government under article V of this Agreement shall enjoy only an immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity in connexion with the Congress.

3. Representatives of Governments invited to attend the Congress under paragraph 2 a of article I shall enjoy the privileges and immunities accorded to representatives of States Members of the Organization by article IV of the Convention on the Privileges and Immunities of the United Nations. Representatives of the specialized agencies and other inter-governmental organizations invited to the Congress shall enjoy the same privileges and immunities as accorded to officials of comparable rank of the United Nations.

4. The Government shall impose no impediment to transit to and from the Congress of any persons whose presence at the Congress is authorized by the United Nations and shall grant any visa required for such persons promptly and without charge. Such persons shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Congress.

IX. *Import duties and tax*

1. The Government shall allow the temporary importation duty-free of all equipment and shall waive import duties and taxes with respect to supplies necessary for the Congress. It shall issue without delay to the United Nations any necessary import and export permits.

2. The Government shall issue to the United Nations an import permit for the limited supplies needed by the United Nations for official requirements and entertainment schedule of the Congress, to be designated in a separate letter Agreement between the United Nations and the Government.

(i) Agreement between the United Nations and the Government of the Mongolian People's Republic relating to a Human Rights Seminar to be held at Ulan Bator from 3 to 17 August 1965.¹¹ Signed at New York on 6 January 1965

Article V

Facilities, privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the seminar. Accordingly, officials of the United Nations performing functions in connexion with the seminar shall enjoy the privileges and immunities provided under articles V and VII of the said Convention.

2. Officials of the specialized agencies attending the seminar in pursuance of paragraph 1 (c) of article II of this Agreement shall be accorded the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and all persons performing functions in connexion with the seminar shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the seminar.

¹¹ Came into force on 6 January 1965.

4. All participants and all persons performing functions in connexion with the seminar, who are not nationals of Mongolia, shall have the right of entry into and exit from Mongolia. They shall be granted facilities for speedy travel. Visas, where required, shall be granted free of charge.

(j) Agreement between the United Nations and the Government of Yugoslavia relating to a Human Rights Seminar to be held at Belgrade from 8 to 22 June 1965.¹² Signed at New York on 7 January 1965

Article V

Facilities, privileges and immunities

[Similar to article V in (i) above, with the addition of the words “, entry and exit permits” after “visas” in the last sentence of paragraph 4]

(k) Agreement between the United Nations and the East African Common Services Organization relating to the establishment of a statistical training centre in Dar es Salaam.¹³ Signed at Nairobi on 27 November 1965

Article V

Co-operation of the East African Common Services Organization

3. The East African Common Services Organization undertakes to bear full responsibility and shall indemnify the United Nations and internationally-recruited personnel of the Centre against any third party demands or obligations resulting from activities undertaken in East Africa in the implementation of their technical functions connected with the present agreement. It is understood that the responsibility of the East African Common Services Organization shall not be deemed to include claims arising from wilful or reckless acts or omissions attributable to the internationally-recruited personnel of the Centre.

4. The East African Common Services Organization shall use its good offices in requesting the Governments of Kenya, Tanzania and Uganda to apply to the internationally-recruited personnel of the Centre the provisions of the Convention on the Privileges and Immunities of the United Nations.

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF¹⁴

Article VI

Claims against UNICEF

1. The Government shall assume, subject to the provisions of this Article, responsibility in respect to claims resulting from the execution of Plans of Operations within the territory of

¹² Came into force on 7 January 1965.

¹³ Came into force on 27 November 1965.

¹⁴ UNICEF *Field Manual*, vol. II, part IV-2, Appendix A (1 October 1964).

2. The Government shall accordingly be responsible for dealing with any claims which may be brought by third parties against UNICEF or its experts, agents or employees and shall defend and hold harmless UNICEF and its experts, agents and employees in case of any claims or liabilities resulting from the execution of plans of operations made pursuant to this agreement, except where it is agreed by the Government and UNICEF that such claims or liabilities arise from the gross negligence or wilful misconduct of such experts, agents or employees.

3. In the event of the Government making any payment in accordance with the provisions of paragraph 2 of this Article, the Government shall be entitled to exercise and enjoy the benefit of all rights and claims of UNICEF against third persons.

4. This Article shall not apply with respect to any claim against UNICEF for injuries incurred by a staff member of UNICEF.

5. UNICEF shall place at the disposal of the Government any information or other assistance required for the handling of any case to which paragraph 2 of this Article relates or for the fulfilment of the purposes of paragraph 3.

Article VII

Privileges and immunities

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 _____ 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 Operations.

(a) Agreements between UNICEF and the Governments of the Gambia and Mongolia concerning the activities of UNICEF.¹⁵ Signed respectively at Bathurst on 29 May 1965 and at New York on 23 June 1965

These agreements contain articles similar to articles VI and VII of the revised model agreement.

(b) Agreements between UNICEF and the Governments of Togo and Malawi concerning the activities of UNICEF.¹⁶ Signed respectively at Lomé on 27 June 1963, and at Kampala on 22 February 1965 and Blantyre on 22 April 1965

These agreements contain articles similar to articles VI and VII of an earlier version of the revised model agreement (see *Juridical Yearbook*, 1963, p. 26).

4. AGREEMENTS RELATING TO TECHNICAL ASSISTANCE: MODEL REVISED STANDARD AGREEMENT CONCERNING TECHNICAL ASSISTANCE¹⁷

Article I

Furnishing of Technical Assistance

...

6. [See *Juridical Yearbook*, 1963, p. 27]

¹⁵ Came into force on the respective dates of signature.

¹⁶ Came into force respectively on 21 May 1964 and 22 April 1965.

¹⁷ Technical Assistance Board/Special Fund, *Field Manual*, Edition II (1 September 1965), section IX-C, p. 10.

Article V

Facilities, privileges and immunities

[See *Juridical Yearbook*, 1963, p. 27]

- (a) Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Governments of Poland and Liberia, concerning technical assistance.¹⁸ Signed respectively at New York on 2 February 1965 and at Monrovia on 12 February 1965

These agreements contain articles similar to articles I (6) and V of the model revised standard agreement.

- (b) Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and the Governments of the Gambia, the Sudan and Turkey, concerning technical assistance.¹⁹ Signed respectively at Bathurst on 2 June 1965, at Khartoum on 13 September 1965 and at Ankara on 21 October 1965

These agreements contain articles similar to articles I (6) and V of the model revised standard agreement.

- (c) Agreement between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Government of Romania, concerning technical assistance.²⁰ Signed at New York on 27 January 1965

Article I

Furnishing of Technical Assistance

...

6. [Similar to article I (6) of the model revised standard agreement]

Article V

Facilities, privileges and immunities

1. (a) The Government, in so far as it is not already bound to do so, shall apply to the United Nations, its property, funds and assets, and to its officials including technical assistance experts, the provisions of the Convention on the Privileges and Immunities of the United Nations, as ratified by Romania.

(b) The Government—until it becomes a party to the Convention on the Privileges and Immunities of the Specialized Agencies and to the Agreement on the Privileges and Immunities of the International Atomic Energy Agency—shall be bound, in respect of the specialized agencies and the International Atomic Energy Agency, by the provisions of the Convention on the Privileges and Immunities of the United Nations as ratified by Romania.

2. [Similar to article V (2) of the model revised standard agreement]

¹⁸ Came into force on the respective dates of signature.

¹⁹ Came into force on the respective dates of signature.

²⁰ Came into force on the date of signature.

- (d) Exchange of letters constituting an agreement²¹ amending the basic agreement of 2 July 1956 between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU and WMO, and the Government of Pakistan, concerning technical assistance. New York, 16 November 1964 and Karachi, 9 January 1965

By this exchange of letters, the names of IAEA and UPU have been added to the list of the participating Organizations covered by the Basic Agreement, a reference to the Agreement on the Privileges and Immunities of IAEA has been added to article V, and article I (6) has been brought into line with article I (6) of the model revised standard agreement.

5. AGREEMENTS RELATING TO THE SPECIAL FUND:
MODEL AGREEMENT CONCERNING ASSISTANCE FROM THE SPECIAL FUND

Article VIII

Facilities, privileges and immunities

[See *Juridical Yearbook*, 1963, p. 31]

Article X

General provisions

...

4. ...[See *Juridical Yearbook*, 1963, p. 32]

Agreement between the United Nations Special Fund and the Government of Spain concerning assistance from the Special Fund.²² Signed at Madrid on 30 June 1965

Article X (4) of this agreement is similar to article X (4) of the model agreement with the omission of the final phrase (“, or of any firm or organization retained by either of them to assist in the execution of a project”). Article VIII reads as follows:

1. The Government shall apply, in relation to Special Fund assisted projects, to the United Nations and its organs, including the Special Fund, and to any Executing Agency, to their property, funds and assets and to their officials, the provisions on privileges and immunities enumerated in this Article.

2. The Government shall take any measures which may be necessary to exempt the Special Fund and any Executing Agency and their officials and other persons performing services on their behalf from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of projects. It shall, in particular, grant them the following rights and facilities:

- (a) the prompt issuance without cost of necessary visas, licences or permits;
- (b) access to the site of work and all necessary rights of way;
- (c) free movement, whether within or to or from the country, to the extent necessary for proper execution of the project;

²¹ Came into force on 9 January 1965.

²² Came into force on 30 June 1965.

- (d) the most favourable legal rate of exchange;
- (e) any permits necessary for the importation of equipment, materials and supplies in connexion with this Agreement and for their subsequent exportation; and
- (f) any permits necessary for importation of property belonging to and intended for the personal use or consumption of officials of the Special Fund or of an Executing Agency, and for the subsequent exportation of such property.

3. The Special Fund and any Executing Agency shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

4. The Special Fund and any Executing Agency, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

5. The Special Fund and any Executing Agency may establish in Spain in accordance with Article V of this Agreement, such premises as they consider necessary for conducting their operations. Premises shall be inviolable. The property and assets of the Special Fund and of any Executing Agency, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

6. The archives of the Special Fund and of any Executing Agency, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

7. The Special Fund and any Executing Agency, without being restricted by financial controls, regulations or moratoria of any kind:

- (a) may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) may freely transfer their funds, gold or currency from any country to Spain, or from Spain to any country or within Spain and convert any currency held by them into any other currency.

In exercising these rights, the Special Fund and any Executing Agency shall pay due regard to any representations made by the Government in so far as they consider that effect can be given to such representations without detriment to their interests.

8. The Special Fund and any Executing Agency, their assets, income and other property shall be:

- (a) exempt from all direct taxes; it is understood, however, that they will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by them for their official use. It is understood, however, that articles imported under such exemption will not be sold in Spain except under conditions agreed with the Government;
- (c) exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

9. While the Special Fund and any Executing Agency will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when they are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

10. The Special Fund and any Executing Agency shall enjoy in Spanish Territory, for its official communications, in accordance with provisions relating to United Nations of international Conventions in the field of telecommunications, treatment not less favourable than that accorded by the Government of Spain to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications and press rates for information to the press and radio. Official correspondence and other official communications of the United Nations shall be inviolable.

11. The Special Fund and any Executing Agency shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

12. The Special Fund and any Executing Agency will specify the categories of officials to which the provisions of paragraph 13 shall apply. The names of officials included in these categories shall from time to time be made known to the Government.

13. Officials of the Special Fund and of any Executing Agency shall:

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Special Fund and any Executing Agency;
- (c) be immune from national service obligations with the exception of locally recruited personnel of Spanish nationality;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in Spain.

14. In addition to the immunities and privileges specified in paragraph 13, the Secretary-General and Under-Secretaries of the United Nations, the Executive Heads of the Specialized Agencies and of any other Executing Agency including any official acting on his behalf during his absence from duty, and other officials of the Specialized Agencies normally entitled to such treatment, shall, while in Spain in connexion with the Special Fund, be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

15. Experts (other than officials coming within the scope of paragraph 12) performing missions for the Special Fund or any Executing Agency shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular they shall be accorded:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the

persons concerned are no longer employed on missions for the Special Fund or the Executing Agency concerned;

- (c) inviolability for all papers and documents;
- (d) for the purpose of their communications with the Special Fund or the Executing Agency concerned, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect to their personal baggage as are accorded to diplomatic envoys.

16. Privileges and immunities are granted to officials and experts in the interests of the Special Fund and the Executing Agencies only and not for the personal benefit of the individuals themselves. The Special Fund and any Executing Agency shall have the right and the duty to waive the immunity of any official or expert in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Special Fund or the Executing Agency.

17. The Special Fund and any Executing Agency shall co-operate at all times with the appropriate authorities of Spain to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this Agreement.

18. The Government recognizes and accepts the United Nations *laissez-passer* issued to officials of the Special Fund or Executing Agencies as valid travel documents.

The Managing Director of the Special Fund, the executive heads of any Executing Agency and officials of either, of a rank not lower than head of department, travelling on United Nations *laissez-passer* on any business under this Agreement shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions accredited in Spain.

6. AGREEMENTS RELATING TO OPERATIONAL ASSISTANCE: STANDARD AGREEMENT ON OPERATIONAL ASSISTANCE

Article II

Functions of the Officers

...

3. The Parties hereto recognize that a special international status attaches to the Officers made available to the Government under this Agreement, and that the assistance provided hereunder is in furtherance of the purposes of the Organizations. Accordingly the Officers shall not be required to perform functions incompatible with such special international status, or with the purposes of the Organizations, and any contract entered into by the Government and the Officer shall embody a specific provision to this effect.

Article IV

Obligations of the Government

...

5. The Government recognizes the Officers shall:

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the stipends, emoluments and allowances paid to them by the Organizations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent upon them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of currency or exchange facilities as are accorded to the officials of comparable rank forming part of diplomatic missions to the Government;
- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their posts in the country.

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Officers or against the organizations and their agents and employees, and shall hold the Officers, the Organizations and their agents and employees harmless in any case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government, the Executive Chairman of the Technical Assistance Board where appropriate, and the Organization concerned that such claims or liabilities arise from gross negligence or wilful misconduct of Officers or the agents or employees of the Organization concerned.

...

- (a) Standard Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Governments of Afghanistan, Cyprus, Tunisia, Kenya and Nepal, on operational assistance.²³ Signed respectively at Kabul on 23 February 1965, at Nicosia on 5 March 1965, at Tunis on 8 April 1965, at Nairobi on 26 April 1965 and at Kathmandu on 25 May 1965

These agreements contain articles similar to articles II (3) and IV (5) and (6) of the model standard agreement.

- (b) Standard Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and the Governments of Bolivia, the Gambia, Malawi, the Sudan, Somalia and Ethiopia, on operational assistance.²⁴ Signed respectively at La Paz on 12 May 1965, at Bathurst on 2 June 1965, at Zomba on 20 July 1965, at Khartoum on 13 September 1965, at Mogadiscio on 21 September 1965, and at Addis Ababa on 12 November 1965

These agreements contain articles similar to articles II (3) and IV (5) and (6) of the model standard agreement.

²³ Came into force on the respective dates of signature.

²⁴ Came into force on the respective dates of signature.

7. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND BELGIUM RELATING TO THE SETTLEMENT OF CLAIMS FILED AGAINST THE UNITED NATIONS IN THE CONGO BY BELGIAN NATIONALS.²⁵ NEW YORK, 20 FEBRUARY 1965

I

Letter from the Secretary-General

20 February 1965

Sir,

A number of Belgian nationals have lodged with the United Nations claims for damage to persons and property arising from the operations of the United Nations Force in the Congo, particularly those which took place in Katanga. The claims in question have been examined by United Nations officials assigned to assemble all the information necessary for establishing the facts submitted by the claimants or their beneficiaries and any other available information.

The United Nations has agreed that the claims of Belgian nationals who may have suffered damage as a result of harmful acts committed by ONUC personnel, not arising from military necessity, should be dealt with in an equitable manner.

It has stated that it would not evade responsibility where it was established that United Nations agents had in fact caused unjustifiable damage to innocent parties.

It is pointed out that, under these principles, the Organization does not assume liability for damage to persons or property, which resulted solely from military operations or which, although caused by third parties, gave rise to claims against the United Nations; such cases are therefore excluded from the proposed compensation.

Consultations have taken place with the Belgian Government. The examination of the claims having now been completed, the Secretary-General shall, without prejudice to the privileges and immunities enjoyed by the United Nations, pay to the Belgian Government one million five hundred thousand United States dollars in lump-sum and final settlement of all claims arising from the causes mentioned in the first paragraph of this letter.

The distribution to be made of the sum referred to in the preceding paragraph shall be the responsibility of the Belgian Government. Upon the entry into force of this exchange of letters, the Secretary-General shall supply to the Belgian Government all information at his disposal which might be useful in carrying out the distribution of the amount in question, including the list of individual cases in respect of which the United Nations has considered that it must bear financial responsibility, and any other information relevant to the determination of such responsibility.

Acceptance of the above-mentioned payment shall constitute lump-sum and final settlement between Belgium and the United Nations of all the matters referred to in this letter. It is understood that this settlement does not affect any claims arising from contractual relationships between the claimants and the Organization or those which are at present still handled by United Nations administrative departments, such as ordinary requisitions.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency Mr. Paul-Henri SPAAK
Vice-President of the Council of Ministers of Belgium,
Minister for Foreign Affairs

²⁵ Came into force on 17 May 1965, the date on which the Belgian Government notified the Secretary-General of the United Nations that the Belgian Legislative Chambers assented to the Agreement, in accordance with the provisions of the latter.

II

Letter from the Minister for Foreign Affairs of Belgium

Permanent Mission of Belgium
to the United Nations
50 Rockefeller Plaza, New York 20, N.Y.

S.589

New York, 20 February 1965

Sir,

I have the honour to acknowledge receipt of your letter of 20 February concerning the settlement of the problem of claims lodged with the United Nations by Belgian nationals who incurred damage in the Congo.

I accept the proposals which you make in that letter.

The agreement resulting from this exchange of letters shall enter into force upon notification to you by the Belgian Government of the assent of the Belgian Legislative Chambers to the terms of the exchange of letters.

Accept, Sir, the assurances of my highest consideration.²⁶

P.-H. SPAAK
Vice-President of the Council
Minister for Foreign Affairs of Belgium

The Secretary-General of the United Nations
New York

²⁶ The following letters concerning the Agreement reproduced above were exchanged between the Acting Permanent Representative of the Union of Soviet Socialist Republics to the United Nations and the Secretary-General of the United Nations:

I

Letter dated 2 August 1965 from the Acting Permanent Representative of the Union of Soviet Socialist Republics addressed to the Secretary-General

(Document S/6589)

The Permanent Mission of the USSR to the United Nations has learnt that the Secretariat has paid the Government of Belgium \$1.5 million on behalf of the United Nations in settlement of claims by Belgian citizens for losses they allegedly suffered in the Congo as a result of the actions of United Nations forces.

This action by the United Nations Secretariat is unlawful and contrary to decisions taken by the United Nations.

Belgium, as is well known, committed aggression against the Republic of the Congo and as an aggressor has no moral or legal basis for making claims against the United Nations either on its own behalf or on behalf of its citizens. Belgium is responsible to the Congo and the United Nations for its aggression against that country, and not vice versa.

On three occasions—14 and 22 July and 9 August 1960—the Security Council adopted resolutions concerning the cessation of aggression against the Republic of the Congo and the immediate withdrawal of Belgian forces from all parts of its territory. Under these resolutions the Secretary-General of the United Nations was authorized to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance as might be necessary to repel Belgian aggression. In its resolution of 22 July 1960, the Security Council requested all States Members of the United Nations to refrain from any action which might undermine the territorial integrity and political independence of the Republic of the Congo.

The Belgian Government did not comply with these Security Council resolutions. Its forces continued for a long time to occupy Congolese towns and villages. The Belgian Government in essence ignored the decisions of the Security Council and thus violated Article 25 of the Charter, under which the Members of the Organization have agreed to accept and carry out the decisions of the Security Council. The Belgian Government not only delayed withdrawing its forces of intervention from the Republic of the Congo at that time, but in November 1964 committed a new act of aggression by landing parachutists on Congolese territory, who seized the town of Stanleyville by force of arms and committed bloody outrages against its inhabitants.

In these circumstances the payment of compensation by the United Nations Secretariat to the Belgian Government for the so-called losses caused to Belgian citizens in the Congo by United Nations forces cannot be regarded as other than an encouragement to aggressors, as a reward for brigandage. In accordance with the generally recognized rules of international law concerning the responsibility of the aggressor for the aggression committed by him, the Belgian Government should itself bear full moral and material responsibility for all consequences of its aggression against the Republic of the Congo.

The Permanent Mission of the USSR to the United Nations draws the Secretariat's attention to the fact that it has no right in this case to enter into any agreements on behalf of the United Nations concerning the payment of compensation without the authorization of the Security Council.

Accordingly, the Permanent Mission of the USSR to the United Nations expects the Secretary-General to take immediate steps to cancel the agreement concluded by the Secretariat concerning the payment of the above-mentioned compensation.

I should be grateful if you would arrange for this letter to be circulated as an official Security Council document.

P. MOROZOV
Acting Permanent Representative of the USSR
to the United Nations

II

Letter dated 6 August 1965 from the Secretary-General addressed to the Acting Permanent Representative of the Union of Soviet Socialist Republics

(Document S/6597)

I have the honour to acknowledge receipt of your letter of 2 August 1965 concerning the question of the settlement by the United Nations Secretariat of claims by Belgian citizens for damage to persons and property in the Congo caused by United Nations personnel.

The arrangement to which your letter refers was brought about in the following circumstances. In the course of the United Nations activities in the Congo, the Secretariat received a number of claims from Belgian citizens as well as from individuals of various other nationalities alleging that they had suffered injury or damage to property by acts of United Nations personnel which gave rise to liability on the part of the Organization.

It has always been the policy of the United Nations, acting through the Secretary-General, to compensate individuals who have suffered damages for which the Organization was legally liable. This policy is in keeping with generally recognized legal principles and with the Convention on Privileges and Immunities of the United Nations. In addition, in regard to the United Nations activities in the Congo, it is reinforced by the principles set forth in the international conventions concerning the protection of the life and property of civilian population during hostilities as well as by considerations of equity and humanity which the United Nations cannot ignore.

Accordingly, the claims submitted were investigated by the competent services of ONUC and at United Nations Headquarters in order to collect all of the data relevant to determining the responsibility of the Organization. Claims of damage which were found to be solely due to military operations or military necessity were excluded. Also expressly excluded were claims for damage found to have been caused by persons other than United Nations personnel.

On this basis, all individual claims submitted by Belgian nationals, as well as those submitted by nationals of other countries, were carefully scrutinized and a list of cases was established by the Secretariat with regard to which it was concluded that compensation should be paid. Of approximately 1,400 claims submitted by Belgian nationals, the United Nations accepted 581 as entitled to compensation.

As regards the role of the Belgian Government, it was considered that there was an advantage for the Organization both on practical and legal grounds that payment to the Belgian claimants whose claim has been examined by the United Nations should be effected through the intermediary of their Government. This procedure obviously avoided the costly and protracted proceedings that

B. Treaty provisions concerning the Legal Status of inter-governmental organizations related to the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.²⁷ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1965, the following States acceded to the Convention, or if already parties undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:²⁸

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
Kenya	Accession	1 July 1965	WHO, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO, IMCO, BANK, FUND, IDA, IFC
Malawi	Accession	2 August 1965	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO, IFC, IDA
Nepal ²⁹	Notification	28 September 1965	ICAO, FAO, UNESCO, BANK, FUND, UPU, ITU
Netherlands	Notification	18 March 1965	WHO—Third revised text of annex VII
	Notification	28 June 1965	FAO—Revised text of annex II, IMCO, IFC, IDA
Thailand	Notification	28 April 1965	UPU
Trinidad and Tobago	Accession	19 October 1965	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO

As of 31 December 1965, fifty-three States were parties to the Convention.

might have been necessary to deal with the 1,400 cases submitted and to settle those in which United Nations responsibility was found.

Following consultations, the Belgian Government agreed to act as an intermediary and also agreed that the payment of a lump sum amounting to \$1.5 million would constitute a final and definite settlement of the matter. At the same time, a number of financial questions which were outstanding between the United Nations and Belgium were settled. Payment was effected by offsetting the amount of \$1.5 million against unpaid ONUC assessments amounting approximately to \$3.2 million.

Similar arrangements are being discussed with the Governments of other countries, the nationals of which have similarly suffered damage giving rise to United Nations liability. About 300 unsettled claims fall within this category.

In making these arrangements, the Secretary-General has acted in his capacity of chief administrative officer of the Organization, consistently with the established practice of the United Nations under which claims addressed to the Organization by private individuals are considered and settled under the authority of the Secretary-General.

As requested by you, I have arranged for your letter to be circulated as an official Security Council document (S/6589). I am also communicating to the Security Council the text of this reply together with the relevant letters exchanged with the Belgian Government.

²⁷ United Nations, *Treaty Series*, vol. 33, p. 261.

²⁸ The Convention is in force with regard to each State which deposited an instrument of accession and in respect of specialized agencies indicated therein or in a subsequent notification as from the date of deposit of such instrument or receipt of such notification.

²⁹ The instrument of accession was deposited with the Director-General of the World Health Organization.

2. INTERNATIONAL LABOUR ORGANISATION

Agreement between the Italian Government and the ILO concerning the International Centre for Advanced Technical and Vocational Training.³⁰ Signed at Rome on 24 October 1964

Article 2

In accordance with article VIII of its Statute, the Centre shall possess legal personality and such legal capacity as is necessary for the fulfilment of its purposes, including in particular the capacity—

- (a) to contract;
- (b) to acquire and dispose of movable and immovable property;
- (c) to institute and defend legal proceedings.

Article 3

1. In accordance with paragraph 2 of article VIII of its Statute, the Centre itself, the members of the Board and the Programmes Committee of the Centre, and the staff of the Centre shall enjoy in Italy the privileges and immunities enjoyed by the International Labour Organisation under the Convention concerning the Privileges and Immunities of the Specialized Agencies as adopted by the General Assembly of the United Nations on 21 November 1947 and accepted on behalf of the International Labour Organisation by the International Labour Conference on 10 July 1948.

2. The Italian authorities shall take all measures likely to facilitate access to, exit from and sojourn on Italian territory of all persons having official business with the Centre.

3. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Resolution No. 21/65: Amendment to paragraph 3 of Annex II of the Convention on the Privileges and Immunities of the Specialized Agencies

The Conference

Considering that paragraph 3 of Annex II to the Convention on the Privileges and Immunities of the Specialized Agencies provides that the Deputy Director-General shall enjoy the privileges and immunities granted to the Director-General under section 21 of the standard clauses of the Convention;

Considering it desirable to extend the privileges and immunities to the Assistant Directors-General of the Organization;

Decides to amend paragraph 3 of Annex II of the Convention by the addition of the words underlined;

“3. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall be accorded to the Deputy Director-General *and the Assistant Directors-General of the Organization.*”

Requests the Director-General to transmit Annex II as revised to the Secretary-General of the United Nations, and to such Member Nations of the Organization as are not members of the United Nations.

8 December 1965

³⁰ Came into force on 28 June 1965.

4. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

- (a) Agreement between UNESCO and the Government of Kenya regarding the establishment of a regional Centre for Science and Technology for Africa in Nairobi.³¹
Signed at Paris on 8 February 1965 and at Nairobi on 24 March 1965

Article III

In all matters connected with the Centre the Government shall apply to UNESCO, its property, funds, assets and officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, subject to Annex IV thereof, it being understood in particular that no restriction shall be placed upon the right of entry, sojourn and departure of any person invited by UNESCO to Kenya to attend meetings, or otherwise in connection with UNESCO business, without distinction of nationality.

Article IV

(a) The Government recognizes the inviolability of the Centre which shall be under the sole control and authority of UNESCO.

(b) No officer or official of the Government, whether administrative, judicial, military or police, shall enter the Centre to perform any duties there except with the consent of, and under conditions agreed to by the Director-General of UNESCO or the Director of the Centre.

(c) The appropriate authorities of Kenya shall exercise due diligence to ensure that the tranquillity of the Centre is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbances in the immediate vicinity of the Centre.

(d) If so requested by the Director of the Centre, the appropriate authorities of Kenya shall provide a sufficient number of police for the preservation of law and order in the Centre and for the removal therefrom of offenders.

(e) In case of any interruption or threatened interruption of any necessary public services, including but not limited to, fire, protection, electricity, water, sewage, post, telephone and telegraph, the appropriate authorities of Kenya shall consider the needs of UNESCO as being of equal importance with those of the essential agencies of the Government and shall take steps accordingly to ensure that the work of UNESCO is not prejudiced.

(f) UNESCO shall be exempt from customs duty and prohibitions and restrictions in respect of the import and export of publications, still and moving picture films, sound recordings and any other material or equipment required for the production of teaching aids or exhibitions.

(g) The Government shall refund import duty and consumption tax on petrol and lubricating oils, upon application on a prescribed form supported by invoices. This refund shall apply to petrol and lubricating oils, for vehicles required for the official use of the UNESCO Centre, in quantities and at rates prevailing for diplomatic missions in Kenya. Each UNESCO Staff member assigned to the Centre may import 1 automobile for personal use upon his arrival in Kenya (*i.e.* 3 months first arrival privileges as applied to all technical staff).

Article V

In addition to the privileges, immunities and facilities provided in Article III above:

- (a) The Director and the Deputy-Director of the Centre, their spouses and minor children shall enjoy on Kenya territory the privileges, immunities, exemptions and

³¹ Came into force on 24 March 1965.

facilities accorded by the Government to diplomatic envoys accredited to the Government.

- (b) All other UNESCO officials of a professional grade of P-4 or above assigned to the Centre or performing services there together with their spouses and minor children and all officials of the United Nations or any of the Specialized Agencies of the United Nations of professional grade of P-4 or above assigned to the Centre or performing services there, together with their spouses and minor children shall receive first arrival privileges applied to all foreign technical staff in Kenya.

The Director-General shall communicate to the Ministry of Foreign Affairs of the Government the names and addresses of the persons mentioned in the two preceding subparagraphs.

- (b) Agreement between UNESCO and the Government of Sudan concerning the establishment of a Regional School Building Centre for Africa.³² Signed at Paris on 17 March 1965 and at Khartoum on 22 May 1965

Article VI

Legal capacity and immunities of the Centre

...

4. The Government shall apply to the Organization, its assets, income and other property as well as its personnel, whether attached to the Centre or not, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.

- (c) Agreement between the Government of Thailand and UNESCO concerning the Conference of Ministers of Education and Ministers responsible for Economic Planning of Member States in Asia, with Annexes.³³ Signed at Bangkok on 28 April 1965

Annex I

4. *Privileges and immunities.* The Government of Thailand agrees to apply to UNESCO, its officials, experts and all delegates and participants mentioned in Clause 2 the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies subject to Annex IV, thereof, to which Thailand is a party, and accord them without any distinction permission for entry and sojourn in Thailand and departure therefrom.

- (d) Letter of agreement between the Government of Iran and UNESCO with reference to the World Congress of Ministers of Education in Literacy (Teheran, 8-19 September 1965).³⁴ Signed at Paris on 17 May 1965

III. *Privileges and immunities*

For the duration of the Congress, the Iranian Government will apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and of Annex IV thereto, and will grant all the privileges, immunities and facilities necessary in connexion with

³² Came into force on 22 May 1965.

³³ Came into force on 28 April 1965.

³⁴ Came into force on 17 May 1965.

the Congress, it being understood, in particular, in consideration of article 6, paragraph 3 of the Rules of Procedure for the calling of International Conferences of States, that no restriction will be placed upon the right of entry into, residence in or departure from its territory of persons required to attend the Congress in an official capacity, whatever their nationality.

- (e) Agreement between the Government of Argentina and UNESCO concerning the Conference of Ministers of Education and Ministers responsible for Economic Planning in the countries of Latin America and the West Indies (Buenos Aires, 20-30 June 1966).³⁵ Signed at Paris on 8 November and 3 December 1965

II. *Privileges and immunities*

The Argentine Government will apply, in connexion with all matters relating to the Conference, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and of Annex IV thereto relating to UNESCO, to which Argentina has been a party since 16 October 1963. In particular, it will guarantee that no restriction is placed upon the right of entry into, residence in, or departure from its territory of persons attending the Conference in an official capacity, whatever their nationality.

- (f) Letter of agreement between the Government of Libya and UNESCO concerning the Conference of Ministers of Education and Ministers responsible for Economic Planning in the Arab States (Tripoli, 5-10 March 1966).³⁶ Signed at Paris on 21 October 1965 and at Tripoli on 18 November 1965

Privileges and Immunities

The Government of the Kingdom of Libya will apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex IV thereto relating to UNESCO, to which it has been a party since 30 April 1958, in respect of the Conference. In particular, it will ensure that no restriction is placed upon the right of entry into and sojourn in as well as departure from its territory of all persons entitled to attend the Conference in an official capacity, without distinction of nationality.

5. INTERNATIONAL CIVIL AVIATION ORGANIZATION

Agreement between the Government of Thailand and ICAO regarding the Far East and Pacific Office of the said Organization.³⁷ Signed at Montreal on 22 September 1965 and at Bangkok on 18 October 1965

THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

DESIRING to conclude an agreement regarding the Far East and Pacific Office of the International Civil Aviation Organization,

HAVE AGREED as follows:

³⁵ Came into force on 3 December 1965.

³⁶ Came into force on 18 November 1965.

³⁷ Came into force on 24 November 1965.

Article I

Definitions

Section 1

In this Agreement:

- (a) the expression "ICAO" means the International Civil Aviation Organization;
- (b) the expression "Regional Office" means the Far East and Pacific Office of ICAO;
- (c) the expression "The Government" means the Government of the Kingdom of Thailand;
- (d) the expression "Secretary General" means the Secretary General of ICAO, and during his absence from duty the officer designated by him to act on his behalf;
- (e) the expression "Regional Representative" means the Regional Representative for the Far East and Pacific Office of ICAO, and in his absence, his duly authorized Deputy;
- (f) the expression "appropriate Thai authorities" means such national, or other authorities in the Kingdom of Thailand as may be appropriate in the context and in accordance with the laws and customs applicable in the Kingdom of Thailand;
- (g) the expression "laws of the Kingdom of Thailand" includes legislative acts and decrees, regulations or orders, issued by or under authority of the Government or appropriate Thai authorities;
- (h) the expression "Member Nation" means a nation which is a Member of ICAO;
- (i) the expression "Representatives of Member Nations" includes all representatives, alternates, advisers and technical experts and secretaries of delegations;
- (j) the expression "meetings convened by ICAO" means meetings of the Assembly of ICAO, the Council of ICAO, any international conference or other gathering convened by ICAO and any commission, committee or sub-group of any of these bodies;
- (k) the expression "Regional Office Seat" means the premises occupied by the Regional Office;
- (l) the expression "archives of ICAO" includes records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings belonging to or held by ICAO;
- (m) the expression "Officers of ICAO" means all ranks of the ICAO Secretariat engaged by the Secretary General or on his behalf, other than manual workers locally recruited;
- (n) the expression "property" as used in Article VIII, means all property, including funds and assets, belonging to ICAO or held or administered by ICAO in furtherance of its constitutional functions, and all income of ICAO.

Article II

Juridical Personality and Freedom of Assembly

Section 2

The Government recognizes the juridical personality of ICAO, and ICAO shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of movable and immovable property;
- (c) to institute legal proceedings.

Section 3

The Government recognizes the right of ICAO to convene meetings within the Regional Office Seat, or with the concurrence of the appropriate Thai authorities, elsewhere in Thailand. At meetings convened by ICAO, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussion and decision.

Article III

The Regional Office Seat

Section 4

The Government grants free of charge to ICAO and ICAO accepts as from the date of entry into force and during the life of this Agreement, the use and occupancy of premises constituting the ground floor of the left wing of Sala Santitham, Bangkok, for the operation of the Regional Office.

Section 5

With respect to the Regional Office Seat:

(a) Except in case of faults attributable to ICAO, the Government shall be responsible for exterior repairs and maintenance and for all charges of major repairs of a nonrecurring nature, in particular, but without limitation by reason of this enumeration, the repair of damage resulting from fire, *force majeure*, structural defects of such installations, and for the replacement within a reasonable period, of any building or part thereof in the Regional Office Seat which may be totally or partially destroyed;

(b) ICAO shall be responsible for all ordinary repairs for the upkeep and maintenance of the interior of the premises.

Article IV

Inviolability of the Regional Office Seat

Section 6

(a) The Government recognizes the inviolability of the Regional Office Seat which shall be under the control and authority of ICAO, as provided in this Agreement.

(b) No officer or official of the Government, whether administrative, judicial, military or police, shall enter the Regional Office Seat to perform any official duties therein except with the consent of, and under conditions agreed to by the Secretary General or the Regional Representative.

(c) Without prejudice to the provisions of Article X, ICAO shall prevent the Regional Office Seat from being used as a refuge by persons who are avoiding arrest under any law of Thailand, or who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process or judicial proceedings.

Article V

Protection of the Regional Office Seat

Section 7

(a) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquillity of the Regional Office Seat is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbances in the immediate vicinity of the Regional Office Seat.

(b) If so requested by the Regional Representative, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of law and order in the Regional Office Seat and for the removal therefrom of offenders.

Article VI

Public Services

Section 8

(a) The appropriate Thai authorities shall exercise, to the extent requested by the Secretary General or the Regional Representative, their respective powers to ensure that the Regional Office Seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, fire protection, electricity, water, sewerage, post, telephone, and telegraph, and that such public services shall be supplied on equitable terms. In case of any interruption or threatened interruption of any such services, the appropriate Thai authorities shall consider the needs of ICAO as being of equal importance with those of essential agencies of the Government and shall take steps accordingly to ensure that the work of ICAO is not prejudiced.

(b) Where electricity or water are supplied by appropriate Thai authorities or bodies under their control, ICAO shall be supplied at special tariffs which shall not exceed the lowest rates accorded to Thai governmental administration.

Article VII

Communications

Section 9

ICAO shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other Organization or Government, including the diplomatic mission of any such other Government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to press and radio.

Section 10

ICAO shall be entitled, for its official purposes, to use the transport facilities of the Government under the same conditions as may be granted to resident diplomatic missions.

Section 11

(a) No censorship shall be applied to the official correspondence or other communications of ICAO. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, and films and sound recordings. In case of emergency requiring the enforcement of censorship in Thailand, the appropriate Thai authorities shall consult with the Regional Representative with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Thai authorities in order to avoid abuse of the immunity from censorship enjoyed by the official communications of ICAO and its officers.

(b) ICAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between ICAO and the Government.

Article VIII

Property of ICAO and Taxation

Section 12

ICAO, its property and assets, wherever located and by whomsoever held shall enjoy immunity from every form of legal process except in so far as in any particular case the Secre-

tary General shall have expressly waived its immunity. It is however understood that no waiver of immunity shall extend to any measure of execution.

Section 13

The property and assets of ICAO, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 14

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

Section 15

The assets, income and other property of ICAO shall be exempt:

- (a) from any form of direct taxation. ICAO, however, will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) from customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by ICAO for its official use, on the understanding that articles imported under such exemption will not be sold within the country except in accordance with conditions to be mutually agreed upon;
- (c) from customs duties and prohibitions and restrictions in respect of the import and export of its publications, still and moving pictures and films and sound recordings.

Section 16

(a) ICAO shall be exempt from levies and duties on operations and transactions, and from excise duties, sales and luxury taxes and all other indirect taxes when it is making important purchases for official use by ICAO of property on which such duties or taxes are normally chargeable. However, ICAO will not, as a general rule, claim exemption from excise duties, and from taxes on the sale of movable and immovable property which form part of the price to be paid, and cannot be identified separately from the sale price;

(b) the Government shall grant, if requested, allotments of gasoline or other required fuels and lubricating oils for vehicles required for the official use of ICAO in quantities and at rates prevailing for diplomatic missions in Thailand.

Article IX

Financial Facilities

Section 17

- (a) Without any financial controls, regulations or moratoria of any kind:
 - (i) ICAO may hold funds, gold or currency of any kind and operate foreign currency accounts in any currency;
 - (ii) ICAO shall be free to transfer its funds, securities, gold or currency from one country to another or within Thailand and to convert any currency held by it into any other currency;
- (b) ICAO shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations without detriment to the interest of ICAO;
- (c) The Government shall render to ICAO the same privileges as accorded to diplomatic missions in respect of exchange facilities.

Article X

Transit and Residence

Section 18

(a) The appropriate Thai authorities shall impose no impediment to transit to or from the Regional Office Seat, or to residence of the following persons, irrespective of their nationalities, when on official ICAO business, and shall afford them any necessary protection:

- (i) The President of the Council of ICAO, the Secretary General, representatives of Member Nations, of the United Nations, or of the Specialized Agencies, and their spouses;
- (ii) Officers of ICAO and their families;
- (iii) Officers of the Regional Office, their families and other members of their households;
- (iv) Persons other than officers of ICAO, performing missions for ICAO, and their spouses;
- (v) Other persons invited to the Regional Office Seat on official business. The Regional Representative or the Secretary General shall communicate the names of such persons to the Government within a reasonable time.

(b) This section shall not apply to general interruptions in transportation, which shall be dealt with as provided in Section 8 (a) and shall not impair the effectiveness of generally applicable laws as to the operation of means of transportation.

(c) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any such person in his official capacity as described in sub-section (a) shall constitute a reason for preventing his entry into Thailand or for requiring him to leave Thailand.

(e) In case of abuse of the privilege of transit or residence by any such person in activities in Thailand outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Kingdom of Thailand regarding residence of aliens, provided that:

- (i) no proceeding shall be instituted under such laws to require any such person to leave Thailand except with the prior approval of the Minister of Foreign Affairs of the Kingdom of Thailand;
- (ii) in the case of the representative of a Member Nation such approval shall be given only after consultation with the Government of the appropriate Member Nation;
- (iii) in the case of any other person mentioned in sub-section (a), such approval shall be given only after consultation with the Regional Representative or the Secretary General, the Secretary-General of the United Nations or the principal executive officer of the appropriate Specialized Agency, as the case may be;
- (iv) a representative of the Member Nation concerned, the Regional Representative or the Secretary General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be, shall have the right to appear and be heard in any such proceedings on behalf of the person against whom they shall have been instituted;
- (v) persons who are entitled to diplomatic privileges and immunities shall not be required to leave Thailand otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Kingdom of Thailand.

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Article XI

President of Council, Secretary General and Representatives at Meetings

Section 19

The President of the Council of ICAO, the Secretary General, representatives of Member Nations, representatives or observers of other Nations, and representatives of the United Nations and the Specialized Agencies at meetings convened by ICAO shall be entitled, in the territory of Thailand while exercising their functions and during their journeys to and from the Regional Office Seat and other places of meetings, to the same privileges and immunities as are provided for under Article V (Sections 13 to 17 inclusive) of the Convention on the Privileges and Immunities of the Specialized Agencies, and in paragraph 1 of Annex III to that Convention.

Article XII

Officers of ICAO

Members of ICAO Missions

Persons invited to the Regional Office Seat on Official Business

Section 20

Officers of ICAO shall enjoy within and with respect to the Kingdom of Thailand the following privileges and immunities:

- (a) immunity from personal arrest or detention;
- (b) immunity from seizure of their personal and official baggage;
- (c) immunity from legal process of any kind with respect to words spoken or written and all acts performed by them in their official capacity, such immunity to continue notwithstanding the fact that the persons concerned might have ceased to be officers of ICAO;
- (d) exemption from any form of direct taxation on salaries and emoluments paid to them by ICAO;
- (e) exemption for officers of other than Thai citizenship from any form of direct taxation on income derived from sources outside Thailand;
- (f) exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (g) exemption from national service obligations for officers of ICAO who are not Thai citizens;
- (h) for officers who are not Thai citizens, freedom to maintain within Thailand or elsewhere foreign securities and other movable and immovable property; and whilst employed by ICAO and at the time of termination of such employment, the right to take out of Thailand funds in United States dollars or other currencies without any restrictions or limitation provided that the said officers can show good cause for their lawful possession of such funds. In particular, they shall have the right to take out of Thailand their funds in the same currencies and up to the same amounts as they brought into Thailand through authorized channels;
- (i) the same protection and repatriation facilities with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crises;
- (j) the right to import, free of duty and other levies, prohibitions and restrictions on import, their furniture and effects within six months after first taking up their posts

in Thailand, or, in the case of officers who have not completed their probationary periods, within six months after confirmation of their employment with ICAO; the same regulations shall apply in the case of importation, transfer and replacement of automobiles as are in force for the resident members of diplomatic missions of comparable rank;

- (k) in the event of the death of an officer of ICAO or any member of his family forming part of his household, who is not a national of or permanent resident of Thailand, the Government of Thailand shall impose no impediment to the export of the movable property of the deceased, with the exception of any property acquired in the country the export of which is prohibited at the time of his death; estate, succession and inheritance duties or taxes shall not be levied on movable property the presence of which in Thailand is due solely to the presence there of the deceased as an officer of ICAO or as a member of his family.

Section 21

The names of the officers of ICAO shall be communicated to the appropriate Thai authorities from time to time.

Section 22

(a) The Government shall accord to the officers of the Regional Office designated by the Secretary General, diplomatic privileges and immunities.

(b) For this purpose the officers of the Regional Office shall be incorporated by the Ministry of Foreign Affairs, in consultation with the Secretary General, into the appropriate diplomatic categories and shall enjoy the customs exemptions granted to such diplomatic categories in Thailand.

(c) All officers of the Regional Office shall be provided with a special identity card certifying the fact that they are officers of ICAO enjoying the privileges and immunities specified in this Agreement.

Section 23

Persons other than officers of ICAO, who are members of ICAO missions, or who are invited to the Regional Office Seat by ICAO on official business, shall be accorded the privileges and immunities specified in Section 20, except those specified in sub-section (j).

Section 24

(a) The privileges and immunities accorded by this Article are conferred in the interests of ICAO and not for the personal benefit of the individuals themselves. The Secretary General shall waive the immunity of any officer in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of ICAO.

(b) ICAO and its officers shall co-operate at all times with the appropriate Thai authorities to facilitate the proper administration of justice, to secure the observance of police regulations and to prevent the occurrence of any abuses in connexion with the privileges and immunities accorded by this Article.

Article XIII

Laissez-Passer

Section 25

The Government shall recognize and accept the United Nations *Laissez-Passer* issued to officers of ICAO, the Secretary General and the President of the Council, as a valid travel document equivalent to a passport. Applications for visas from holders of United Nations *Laissez-Passer* shall be dealt with as speedily as possible.

Section 26

Similar facilities to those specified in Section 25 shall be accorded to persons who, though not the holders of United Nations *Laissez-Passer*, have a certificate that they are travelling on the business of ICAO.

Article XIV

General Provisions

Section 27

(a) The Secretary General and the Regional Representative shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall establish such rules and regulations as they may deem necessary and expedient for officers of ICAO and persons performing missions for ICAO.

(b) Should the Government consider that an abuse of privilege or immunity conferred by this Agreement has occurred, the Secretary General or the Regional Representative, shall, upon request, consult with the appropriate Thai authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Secretary General and the Government, the matter shall be determined in accordance with the procedure set out in Article XV.

Article XV

Supplemental Agreements and Settlement of Disputes

Section 28

(a) The Government and ICAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement.

(b) In view of the accession by Thailand to the Convention on the Privileges and Immunities of the Specialized Agencies, such Convention and this Agreement shall, where they relate to the same subject matter, be treated as complementary.

Section 29

Any dispute between ICAO and the Government concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationships between ICAO and the Government, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators; one to be chosen by the Secretary General, one to be chosen by the Minister of Foreign Affairs of the Kingdom of Thailand, and the third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

Article XVI

Entry into force, Operation, and Denunciation

Section 30

(a) This Agreement shall enter into force upon approval by the ICAO Council and ratification by the Government.

(b) Consultations with respect to modification of this Agreement shall be entered into at the request of the Government or ICAO. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose to enable the Regional Office fully and efficiently to discharge its responsibilities and fulfil its purpose.

(d) Where this Agreement imposes obligations on the appropriate Thai authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(e) This Agreement and any supplemental agreement entered into by the Government and ICAO pursuant to this Agreement shall cease to be in force twelve months after either the Government or ICAO shall have given notice in writing to the other of its decision to terminate this Agreement, except for such provisions as may be applicable in connexion with the orderly termination of the operations of ICAO at its Regional Office in the Kingdom of Thailand and the disposition of its property therein.

(f) This Agreement replaces the Notes dated 23 December 1954 and 5 February 1955 exchanged between the President of the Council of ICAO and the Minister of Foreign Affairs of Thailand.

IN WITNESS WHEREOF the Government and ICAO have signed this Agreement in duplicate in the English language.

For the Government of
the Kingdom of Thailand
Bangkok, 18 October 1965.
Thanat KHOMAN
Minister of Foreign Affairs

For the International Civil
Aviation Organization
Montreal, 22 September 1965.
W. BINAGHI
President of the Council

6. INTERNATIONAL TELECOMMUNICATION UNION

(a) Agreement between the Swiss P.T.T. Administration and the Secretary-General of the ITU relating to the steps to be taken for the organization of a Plenipotentiary Conference of the International Telecommunication Union.³⁸ Signed at Berne and Geneva on 4 April 1964

2. *Invitations*

2.1 Invitations to the Conference shall be issued in accordance with Nos. 501, 503 and 504 of the International Telecommunication Convention Geneva, 1959 (hereinafter referred to as "the Convention").

2.2 In accordance with Administrative Council Decision No. D 304, the Swiss P.T.T. Administration shall apply without reservation the provisions of the Convention. The Swiss Government shall, as the inviting Government, permit all persons attending the Conference, whether as part of the delegations of Members and Associate Members of the Union, or as observers, together with their families, to enter Switzerland and to stay in any part of it throughout the duration of their function or mission in connection with the Conference.

3. *Privileges and Immunities*

3.1 The Swiss P.T.T. Administration shall take all necessary steps to ensure the application of the relevant provisions of the Convention on Privileges and Immunities of the Specialized Agencies.

3.2 The Swiss P.T.T. Administration shall grant telegraph and telephone franking privileges, in accordance with the rules set forth in Opinion No. 1 of the Telegraph and

³⁸ Came into force on 4 April 1964.

Telephone Conference, Geneva, 1958. It shall make known, before the opening of the Conference, the privileges available.

- (b) Agreement between the Norwegian Telecommunication Administration and the ITU relating to the organization of the XIth Plenary Assembly of the International Radio Consultative Committee (C.C.I.R.).³⁹ Signed at Geneva on 2 July 1965 and at Oslo on 7 July 1965

A. General provisions

4. *Privileges and Immunities*

(a) The Convention on the Privileges and Immunities of the United Nations and of the Specialized Agencies, to which the Government of Norway is a party, shall be applicable in respect of the Assembly. Assembly premises for the purpose of such application shall be deemed to constitute premises of the ITU, and access thereto shall be under the control and authority of the ITU.

(b) The relevant Articles of the Convention on the Privileges and Immunities of the United Nations and of the Specialized Agencies shall be applicable to persons attending the Assembly on behalf of Members and Associate Members of the Union and other bodies invited, and officials of the Union, as well as their families. The inviting Administration shall apply without reservation the provisions of the International Telecommunication Convention, Geneva 1959, to such persons and shall permit them to enter Norway and to sojourn therein throughout the duration of their function or mission in connection with the conference or meeting.

(c) Staff provided by the inviting Administration and locally recruited shall, however, enjoy only an immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity in the Assembly.

G. Franking privileges

The inviting Administration shall make all arrangements relative to the telegraph and telephone franking privileges mentioned in Opinion No. 1 of the Ordinary Administrative Telegraph and Telephone Conference (Geneva, 1958). The extent of these privileges shall be communicated to participants before the Assembly begins, if possible.

H. Miscellaneous

1. *Consular and customs formalities*

The inviting Administration shall take the necessary steps, within the limits set by the law and the customs regulations of the Kingdom of Norway, and in accordance with the relevant provisions of the Convention on the Privileges and Immunities of the Specialized Agencies to facilitate, as far as possible, for participants in the Assembly (including the Secretariat) and for the persons accompanying them, delivery of visas and customs formalities in connection with their personal effects, on both entering and leaving the Kingdom of Norway.

2. *Fiscal provisions*

The salaries and emoluments paid to persons who, under the income-tax law, are not considered as residing in Norway, shall not be subject to income-tax in that country.

³⁹ Came into force on 7 July 1965.

7. INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the Privileges and Immunities of the IAEA.⁴⁰ Approved by the Board of Governors of the Agency on 1 July 1959

(a) *Deposit of instruments of acceptance*

The following State accepted the Agreement on the Privileges and Immunities of the IAEA in 1965:⁴¹

<i>State</i>	<i>Date of deposit of the instrument of acceptance</i>
Belgium ⁴²	26 October 1965

This brought up to 20 the number of States parties to this Agreement.

(b) *Incorporation of the Agreement by reference in other agreements*

(i) Part VI, section 24 of the Agreement between the IAEA, the Government of the Kingdom of Denmark and the Government of the United Kingdom of Great Britain and Northern Ireland for the application of safeguards in respect of the Agreement between those Governments concerning co-operation in the promotion and development of the peaceful uses of atomic energy (INFCIRC/63); entered into force on 23 June 1965.

(ii) Article III, section 17 of the Agreement between the IAEA, the Government of the Kingdom of Thailand and the Government of the United States of America for the application of safeguards (INFCIRC/68); entered into force on 10 September 1965.

(iii) Article VI, section 9 of the Agreement between the IAEA and the Government of the Oriental Republic of Uruguay for assistance by the Agency to Uruguay in establishing a reactor project (INFCIRC/67, II); entered into force on 24 September 1965.

(iv) Article IV, section 5 of the Project Agreement between the IAEA and the Royal Government of Morocco concerning arrangements for the delivery of radiotherapy equipment (INFCIRC/74); entered into force on 24 September 1965.

(v) Section 4 (e) of the Project Agreement between the IAEA and the Royal Government of Afghanistan regarding arrangements for the transfer of therapeutic irradiation equipment (INFCIRC/73); entered into force on 24 September 1965.

(vi) Article III, section 17 of the Agreement between the IAEA, the Government of the Republic of the Philippines and the Government of the United States of America for the application of safeguards (INFCIRC/69); entered into force on 24 September 1965.

(vii) Article III, section 17 of the Agreement between the IAEA, the Government of the Republic of South Africa and the Government of the United States of America for the application of safeguards (INFCIRC/70); entered into force on 8 October 1965.

(viii) Article III, section 17 of the Agreement between the IAEA, the Government of the United States of America and the Government of the Republic of Viet-Nam for the application of safeguards (INFCIRC/71); entered into force on 25 October 1965.

(ix) Article III, section 17 of the Agreement between the IAEA, the Government of the Republic of China and the Government of the United States of America for the application of safeguards (INFCIRC/72); entered into force on 29 October 1965.

⁴⁰ United Nations, *Treaty Series*, vol. 374, p. 147.

⁴¹ The Agreement comes into force as between the Agency and the accepting States on the date of deposit of instruments of acceptance.

⁴² With the following reservation: "... hereby excludes from the application of the said agreement the provisions contained in the last sentence of article VI, section 20."

(x) Article III, section 17 of the Agreement between the IAEA, the Government of the Republic of Austria and the Government of the United States of America for the application of safeguards (INFCIRC/76); entered into force on 13 December 1965.

(xi) Article III, section 17 of the Agreement between the IAEA, the Government of Portugal and the Government of the United States of America for the application of safeguards (INFCIRC/77); entered into force on 15 December 1965.

(xii) Article VI of the Nordic Mutual Emergency Assistance Agreement in Connection with Radiation Accidents (INFCIRC/49), which entered into force between the Agency, Norway and Sweden on 19 June 1964 and in respect of Denmark on 17 August 1964;⁴³ Finland too has now deposited its ratification dated 11 June 1965 with the Agency on 16 June 1965 and therefore, as of the latter date, has become party to this Agreement.

⁴³ See *Juridical Yearbook*, 1964, p. 61.